

62-713
No. 1883

UNITED STATES CIRCUIT COURT OF APPEALS
FOR THE NINTH CIRCUIT.

TRANSCRIPT OF RECORD.

THE UNITED STATES OF AMERICA (Complainant),
Appellant,

vs.

THE BARBER LUMBER COMPANY (a Corporation),
(Defendant), Appellee.

VOLUME XIII.

(Pages 4801 to 5184, Inclusive.)

Upon Appeal from the United States Circuit Court
for the District of Idaho, Central
Division.

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(Deposition of James T. Barber.)

By Mr. MOON.—I think, Mr. Gordon, that Mr. Steunenberg reported in a letter to us that those lands up there would run about 12,000 feet to the acre on Downs' estimate, and I think that was the only estimate we had. He simply said that Downs' estimate, that is the only estimate we had, that Steunenberg told us it would run 12,000 to the acre or 12 or 13 thousand to the acre or something like that.

By Mr. BUNDY.—Possibly you ought to explain about taking in eight or ten of them without waiting for Taylor.

By Mr. BARBER.—My recollection is that there was a sort of an attempt to pool the issues and force the prices up. We were very anxious to break the combination without having to buy some of the claims.

By Mr. BUNDY.—The other fellows were trying to get options and the first man on the market with the money got the goods. The theory of the timber and stone entrymen was to get their timber and stone claims and hold it, and as soon as they get them they want someone to buy them as soon as they can.

By Mr. KEIGWIN.—Except Arthur Anderson he wanted his for firewood. It is stipulated by and between the parties by the respective attorneys that the letters on file which have been exhibited to the attorneys for the Government, number something in excess of 1300. It is further stipulated that the letters offered on the part of the Government by copy

(Deposition of James T. Barber.)

when A. B. Camel is examined at St. Paul may be reoffered without objection on the part of the defendant as to the same being copies.

It is further stipulated that the time in which to finish defendant's evidence be extended until 2 o'clock *May, 1909*, and that an order may be entered nunc pro tunc to that effect.

Examination adjourned until 9 o'clock A. M. May 19, 1909.

May 19, 1909, 9 o'clock A. M. Examination resumed.

**[Deposition of S. G. Moon, for the Defendants
(Recalled).]**

S. G. MOON, recalled as a witness, testified as follows:

Cross-examination.

(By Mr. GORDON.)

Q. Mr. Moon, I have a letter here taken from the files of the Barber Lumber Company dated June 30-02, in which he says, "I enclose copy of a letter from Steunenberg re patents."

Attached is a copy of a letter in typewriting dated Sho Shone, Idaho, June 28-02, which purports to be a copy of a letter sent by Frank Steunenberg and addressed to Mr. Palmer in which he says, "Did intend to go with them. Replied to Chapman but anticipate that entries would be proved have concluded to remain."

Do you understand what that part of the Steunenberg letter meant?

(Deposition of S. G. Moon.)

A. I don't remember it particularly now.

By Mr. BUNDY.—I should think the Palmer letter would show what it meant. In re patents he said, everybody knew he didn't have any patents that time.

By Mr. GORDON.—They were holding up entries about that time?

By Mr. BUNDY.—They were all held up at that time.

By Mr. GORDON.—They were more concerned about the entries than the patents at that time, I mean entries being proved, letting them through and getting final receipts.

By Mr. MOON.—Final receipts were coming then?

By Mr. BUNDY.—Yes, began coming in June.

By Mr. MOON.—But it was after that time Steunenbergh wrote that letter saying he was taking deeds on final receipts. It is after that time that we know patents—

By Mr. GORDON.—Mr. Moon, I have a copy of a telegram dated April 4-1902, addressed by S. G. Moon to A. E. Palmer, Spokane, Wash., which reads:

“Yes, if everything seems square.” This telegram has been read into the record and I have an indistinct recollection that you gave an explanation of it and why it happened to be in the files and not in the letter-press book. Do you remember whether you did or if you did not?

A. I said that it might have been that we sent the telegram from the telegraph office, but I don't remember distinctly about it. It might have been that the boy come up there and delivered a telegram and

(Deposition of S. G. Moon.)

was waiting for an answer and I just wrote it off and gave it to the boy and wrote that copy. I sometimes do that. It may have been that I—well, the only thing I can think of now; reason why I did it,

Q. This was written by pen and ink and is in your handwriting, is it? A. Yes, sir.

Q. Would the fact that that telegram does not have the appearance of having been folded, carried in your pocket, indicate to whether or not you wrote it at your home and then carried it to the office?

A. I might have written it at the telegraph office on the way to my office and carried it unfolded, I don't know.

Q. When were these files started; sometime in 1907, were they not? A. What files?

Q. These files.

Q. Do you mean that cabinet?

A. Yes.

Q. I think earlier than that.

Q. When do you remember?

A. I don't remember; Mr. Cotten can tell you exactly. You might possibly find a charge for it on the books.

By Mr. BUNDY.—It was long before that?

By Mr. GORDON.—This cabinet was purchased to the best of your recollection during the year of 1903 or 1904?

A. I have no distinct recollection just when it was; it was I should say considerably earlier than 1907; the date can be determined. We can find the bill for it.

(Deposition of S. G. Moon.)

Q. They began to keep the letters, copies of letters sent by either you or Mr. Barber concerning the transaction of the Barber Lumber Company in that case after April 3-07; is that correct as a regular thing? A. Kept the copies of—

Q. All letters sent by you or Mr. Barber on behalf of yourselves or the Barber Lumber Company were kept in that cabinet after April 3-07?

A. About that time.

Q. I fix that date because the last date as I remember it, the last letter in the Barber Lumber Company letter-book is April 3-07.

By Mr. BARBER.—The cabinet was paid for on the 30th day of June, 1903, as shown by the books of the company.

By Mr. BUNDY.—The cabinet, Mr. Barber, you refer to was produced here for the benefit of the Government's attorneys and contains the correspondence of the Barber Lumber Company.

(By Mr. BARBER.)

A. Yes, sir.

By Mr. GORDON.—Mr. Moon, is the telegram that I have just read you an exact copy of telegram you wrote and sent to A. E. Palmer on the date it bears? A. Yes, sir.

Q. And was this copy we have here made on the date that it bears? A. Yes, sir.

Q. Mr. Moon, in the books that were shown you the other day marked Plaintiff's Exhibit 141A, I find in that book some marks that are merely a dot or a straight mark and others that are checks or

(Deposition of S. G. Moon.)

shaped like W and others are crosses or x's. Now to a lumberman do these different marks mean different things?

A. They might mean different things, they don't convey any meaning to me in this particular instance. I will say that when I am checking the same plat and want to indicate some differences I check them a different way.

Q. But I mean do you make a straight mark or a V or an X on the map to state your views?

A. I used I think invariably, in making plats, I used a check mark or cross or letter. I have records of a great many plats that I have made and I think they are all marked either with a cross, check mark or letter.

Q. Mr. Moon, do you remember what writing you put in this book? What markings you put in this book there; as I understood you to say, you wrote the indexes to the heading at the top of the page?

A. I remember I checked off the lands which we had deeds for at the time I sent the book out.

Q. Can you look at the various pages there and tell your check marks on the various pages?

A. No, sir, I do not think I can.

By Mr. BUNDY.—Did you make any of those straight marks?

A. No, sir, from looking at the book I should think part of these V-shaped markings were made by me and part by Mr. Chapman.

By Mr. GORDON.—Can you tell which were made by you by page?

(Deposition of S. G. Moon.)

A. No, sir, I think there is some on different pages.

Q. Can you distinguish between your check marks and Mr. Chapman's? A. No, sir.

Q. Can you tell your own when you see them?

A. No, I would not be sure of them. It seems to be a little difference in the check marks, but they are so nearly alike it would be hard to pick them out.

[Deposition of James T. Barber, for the Defendants (Recalled).]

JAMES T. BARBER, recalled, testified as follows:

(By Mr. GORDON.)

Q. Mr. Barber, on page 611 of the Northwestern Lumber Company's letter-press copy-book, I find letter dated March 12-02, addressed to Wm. Carson, First National Bank, Burlington, Iowa, signed J. T. Barber. Beginning at the second paragraph the letter reads:

"Governor Steunenberg is here today. I am in hopes we will be able to fix up some kind of a deal before night, whereby we get control of the four to eight hundred millions of timber in the Boise Basin about which I wrote you recently. When you are here in Eau Claire and have a talk with our S. G. Moon (Jack) he will be able to tell you everything that has been done.

Yours very truly,

J. T. BARBER."

(Deposition of James T. Barber.)

Then in ink underneath that is written :

“Since writing above we have practically closed with the Governor.” That is a letter that was written the day you went away and that is the day that you and Mr. Moon and possibly the Governor signed that contract and then it was sent to Mr. Palmer and he was not to act until it was approved by him and it was later, “in April.”

A. That is the date, yes, sir.

Q. And the postscript was all written at the same time?

A. Yes, sir.

By Mr. BUNDY.—You will find a letter also to Palmer saying, “Shall I go to Boise to have the Governor sign the contract”?

By Mr. GORDON.—Mr. Barber, did you and Mr. Moon accept the first proposition that was advanced by Governor Steunenberg and were there any changes made in it after you left here?

A. Why, there was quite a good deal of discussion and negotiation. Now, I don’t remember the full result of that, the full process of it. My impression is that there was some modification of what he proposed to do, but I can’t state at the present time.

By Mr. GORDON.—Mr. Moon, you have heard the question asked, would you make the same answer, or have you any recollection on the subject?

By Mr. MOON.—I have no recollection particularly; I don’t remember that he made any definite proposition at first. We talked to him a while and he said there was this timber out there and he said a good deal of the land was surveyed and timber could

(Deposition of James T. Barber.)

be acquired. Very early in the talk we called in Mr. Frawley or sent him to Mr. Frawley to find out if it was all right, and as I remember Mr. Frawley advised us that it was.

By Mr. BUNDY.—Mr. Gordon seems to think there was some definite proposition made to you folks.

By Mr. GORDON.—I did think that from the prospectus that was left here. I have not seen anybody *to* has testified to that.

By Mr. BUNDY.—Mr. Camel testified to that. He, said he didn't read it, he pushed it over to one side of his desk.

(By Mr. GORDON.)

Q. Mr. Barber, I find on page 586 of the Northwestern Lumber Company's book a telegram, evidently, or a letter, it is difficult to distinguish which it is, dated Eau Claire, March 7-02, addressed to A. E. Palmer, Spokane, Washington.

“Will you serve as treasurer of corporation to develop Steunenberg scheme and be responsible for prompt application of funds.

J. T. BARBER.”

You remember signing that?

A. Yes, sir; it is a telegram; I sent it.

Q. Mr. Moon, I find on page 1293 of the D. R. Moon letter-book a telegram dated July 7-02 addressed to Frank Steunenberg, Boise, Idaho, signed S. G. Moon, which reads as follows: “Have taken matter up by letter with three parties in Washington.”

(Deposition of James T. Barber.)

Q. Do you remember sending that telegram?

A. What date is that?

Q. July 7-02. A. Yes, sir; I do.

Q. Do you remember who the three parties in Washington were you took the matter up with?

A. Not definitely; I think the only person that the matter was taken up with through our office was Senator Spooner by Mr. Barber. I think, however, that Mr. Carson wrote to Senator Ellison perhaps to the same effect and either he or Mr. McCartany took it up with somebody else.

Q. Do you know who the somebody else was?

A. No, I don't. If Mr. Carson took it up it was probably some Iowa man and if Mr. McCartany it was probably some Minnesota man.

Q. I don't care about that, Mr. Moon, I find in the D. R. Moon letter-press copy-book 1534 a letter written by you to Mr. Barber, no date, but letter copied immediately after it is dated July 27 and the letter preceding it is dated July 23d. In this letter you say, "I have a letter from Steunenber, enclosing a statement of moneys received and the expenses paid by him; but does not go back of February 11, this year, though he says he is hurrying the statement up as fast as possible." This statement refers to one of the statements that is in evidence here?

A. I presume it is; I can't tell until I look it over.

By Mr. BUNDY.—There is the statement he has referred to.

A. Yes, sir; this is the statement dated July 7, and marked in evidence as number 280.

(Deposition of James T. Barber.)

Q. I find in the Northwestern Lumber Company's book, Mr. Barber, 1110, a letter dated October 9-02, and addressed to Frank Steunenbergh, Caldwell, Idaho, and signed by James T. Barber, Pres., reads as follows:

"Your nice letter of the 3rd inst. came duly to hand and in connection with logging matters on the Boise River property we would suggest that if Mr. Downs has not returned upon receipt of the letter, you would employ the estimator about whom you wrote us some time ago and get us as much information as possible before bad weather sets in and work of this kind is impracticable. It might be well to employ this man under any circumstances and accumulate as much information along the river as possible."

Q. That refers to Downs there. I don't know whether you explained it or not. Was that to get his views as to logging qualities of the river?

A. Yes, sir.

Q. Mr. Barber, at page 1248 of the Northwestern Lumber Company's book, I find a letter dated December 26-02, addressed to Hon. Jos. V. Quarrels, U. S. Senator, signed J. T. Barber.

Second paragraph reads as follows:

"I notice that you acting under recommendations contained in the President's message have indorsed a bill in the Senate to repeal a bill what is commonly known as the timber and stone act, whereby any one can obtain 160 acres of land belonging to the Government when it can be shown that the timber and stone on such lands constitutes its principal

(Deposition of James T. Barber.)

value. Will you kindly let me know if it is your intention to push this measure to a conclusion at this session of Congress. We have some extensive interests in Idaho and tributary to our operations is a large tract of Government land. Scattered through the country are many old stranded placer miners who are taking up timber and stone claims for the purpose of getting a new grub stake. When these men have proved up their claims and secured their title from the Government they come to us and we have in many cases bought the timber on their lands. Whether or not this will continue is important for us to know. And if this is to be prohibited by law, it is very important. Shall be pleased to hear from you fully on this subject at your earliest convenience."

Mr. Barber, did you understand that if the Timber and Stone Act was repealed it would be withdrawn in for entry by entrymen and by any individual acquiring it by scrip or from anyone else?

A. I don't think that in that letter I had reference to anything except the repeal of the Timber and Stone Act itself.

Q. Mr. Barber, in the letter found on page 1335 of the letter-press copy-book of the Northwestern Lumber Company dated January 28, '03, and addressed to My dear Jack, I assume that means to Mr. Moon.

A. Yes.

Q. In the second paragraph, "The matters at Boise are getting decidedly mixed. I think we have succeeded in waking Steunenberg up to the fact that something has to be done if our plans are car-

(Deposition of James T. Barber.)

ried out." From the context of the letter I assume that would refer to the operations of Scofield with reference to river there? A. What is the date?

Q. January 28-03.

By Mr. BUNDY.—Read the letter, Mr. Barber, you can tell what it refers to.

A. My recollection is that it referred to the mill-site. That refers to getting control of the millsite and development around Boise.

By Mr. BUNDY.—I think you ought to state on the record something about the difficulties you had and the time you had. Have you already done that?

A. The passage in the letter just read referred to Steunenberg becoming imbued with the idea that prompt action should be taken to secure the property we deemed necessary for the millsite. Investigation had proven to us that there was only one available site. Mr. Steunenberg was very active subsequent to this time in securing this property acting through Mr. Pierce, wasn't it; what was his name, Haines or Pierce?

By Mr. BUNDY.—Both, it was Haines & Pierce, real estate agents.

By Mr. BUNDY.—It took a great deal of time to get the necessary options and a great deal of correspondence between you and the Governor relating to it, was there not, Mr. Barber? A. Yes, sir.

Q. And you had to pay a pretty large price to get it?

A. We considered the prices exorbitant on several pieces.

(Deposition of James T. Barber.)

By Mr. GORDON.—Mr. Barber, I find in the Northwestern Lumber Company's letter-press book at 845 a letter addressed to Clapp McCartany, at St. Paul, Minn., dated July 9-02, and signed J. T. Barber. The next to the last paragraph reads as follows: "I have been planning to go to Idaho the last of next month and question whether it is advisable for you to wait until that time before making the trip yourself. It seems to me that our affairs are in a critical stage when energy and prompt action may mean a great deal to us. I don't see how I can arrange to go earlier."

A. What is the date of that?

Q. July 9-02, what is the meaning there, "Our affairs are in a critical stage"?

A. I have no definite recollection of any crisis at that time, except the energy of putting efforts into millsite.

By Mr. BUNDY.—I think you are wrong about that. A. Possibly I am mistaken.

By Mr. MOON.—I don't think we had gotten to the millsite then, we wanted to get some scrip placed.

By Mr. BUNDY.—There is his report when he got back, that will show you what you had in your mind.

A. I think you are mistaken about millsite. I think it was the river about getting franchises.

By Mr. BARBER.—Mr. McCartany's letter of July 2, refreshes my mind to the extent of convincing me that I must have referred to the question of securing rights on the river and matters pertaining to

(Deposition of James T. Barber.)

the development of the plant later.

By Mr. BUNDY.—The real question implied by Mr. Gordon's question is whether it had reference to titles at all? A. No, sir.

By Mr. BUNDY.—It had nothing to do with the titles.

A. Quite a serious question came up as to the right of parties operating power plants on streams the water of which was for irrigating purposes, that was one thing that Mr. McCartany investigated at the time.

By Mr. MOON.—If you will remember, Mr. Barber, we were very much afraid at the time that Mr. Schofield or someone else would obtain river franchises and charges us excessive toll on our sawlogs for driving our sawlogs down the river.

By Mr. GORDON.—In the same letter-book page 864 is a letter dated July 17-02, addressed to Hon. Frank Steunenberg, Caldwell, Idaho, signed James T. Barber. The last sentence of which reads: "I can't close this letter without congratulating you upon the improved condition of matters in the land office at Boise."

Do you remember what the improved condition was, what happened to induce you to congratulate the Governor?

A. I don't remember the particular cause for congratulations at that time.

Q. In a letter found page 1041 of the Barber Lumber Company's book, dated September 16-02, addressed to A. E. McCartany at St. Paul, Minn.,

(Deposition of James T. Barber.)

signed J. T. Barber, last paragraph reads as follows:

“Mr. Carson, Mr. Moon and Myself had a very interesting time at Boise, and I would take the occasion to see you before long and talk over the general situation. On the whole we feel encouraged at the final successful outcome of the scheme.

Very truly,

JAMES T. BARBER,

President.”

Q. What had that reference to what had happened to cause you to feel encouraged?

A. I don't know; I suppose the thing looked better to us after we had looked at it; I don't know.

By Mr. BUNDY.—What he wants to know is what you meant by the scheme. He thinks there was a conspiracy.

A. We were referring to the development of the lumber business in the Boise country.

By Mr. GORDON.—Mr. Barber, I find on page 1063, of the Northwestern Lumber Company's copy-book, a letter dated September 19-02, addressed to Hon. Frank Steunenberg, Caldwell, Idaho, which reads as follows:

“I note contents of yours of the 15th and return the same herewith. Sincerely hope that the object in view will soon be reached through the influences exerted in this direction.

Yours very truly,

JAMES T. BARBER.”

Do you know whether that letter that was returned to Mr. Steunenberg was returned to you or not?

(Deposition of James T. Barber.)

A. I have no recollection of the letter or what it contained.

Q. I find on page 1303 of the D. R. Moon copy-book a letter dated July 17-03, addressed to A. E. Palmer, Spokane, Wash., signed S. G. Moon, which reads:

“I got a wire from Steunenberga few days ago, viz.: “Situation here most satisfactory, party is recalled; what is the news?” I presume that means that the final receipts and patents on all lands will now be forthcoming at once and you will be taking deeds.”

Mr. Barber, I remember in your examination in chief the other day, that you produced a lead pencil memorandum of a letter dated December 10, 00, which you have written to Mr. Palmer; that was written to Mr. Long; and I understood you to say you had no recollection where you made that memorandum. A. No, sir.

Q. Or where it was or how it got into these files?

A. I have none at all.

Q. Mr. Barber, almost all the correspondence that you had with the exception of a telegram received from Steunenberga were in his own handwriting, were they not?

A. Quite a large per cent of them were; I think nearly all of them.

Q. Do you remember receiving one that was not in his handwriting?

A. I think I have seen several.

By Mr. GORDON.—I have not.

(Deposition of James T. Barber.)

By Mr. BUNDY.—What are you talking about? There are some, but the bulk of them were. We will then go through here (reference to files).

By Mr. BUNDY.—There is one, there is two, there is three, there is four, there is five, there is six, there is seven, there is another, there is ten or twelve here; the bulk of them are in his handwriting.

By Mr. GORDON.—Mr. Barber, in a letter addressed to you by Frank Steunenberg at Boise, July 1,-04, taken from the files of the company, I find this expression:

“I feel that certain features of my report and the situation here, as well as my own relation with the company, would be better served by personal settlement. I have this in view, I expect to start for Eau Claire not later than next Wednesday. Would start at once, but have to attend court as a witness early next week.”

When Governor Steunenberg came did he make any explanation to you in connection with his report to the company?

A. I don't remember that he did. He didn't make any statement to me, they were all taken down by Mr. Cotten.

(By Mr. GORDON.)

Q. Mr. Barber, have you produced here all the letters written by you in behalf of the Barber Lumber Company and on behalf of yourself or received by you on behalf of the Barber Lumber Company from the date of the beginning of its transaction at Idaho down to the present time?

(Deposition of James T. Barber.)

A. Yes, sir, all that I know anything about. The files were turned over to the attorneys at the beginning of the action, since then I have had no charge.

By Mr. KEIGWIN.—By your attorney, you mean, Mr. Bundy? A. Yes, sir.

By Mr. GORDON.—Now, we have seen all of the letters that are here down to the commencement of this suit in April, '07, or the date of the filing of the suit in April, '07. Have you any objection to our seeing the other correspondence after the filing of this suit down to the present time?

A. I will leave that to my attorney.

By Mr. BUNDY.—We have no objection to your seeing anything, the letters are here right up to date and I know of none that are privileged, if there be any. Of course you would not expect to see anything relating to attorney and client, but I know of none; they are all here anyway, and I think you have seen them all. The whole file was turned over to me about two weeks ago. I have asked from time to time for letters.

By Mr. BARBER.—That is what I mean. I have not done anything with them since the beginning of this action.

By Mr. MOON.—Mr. Bundy would come up there occasionally and refer to letters and occasionally he has taken letters down here and looked them over.

By Mr. BARBER.—But the cabinet has always been in our office.

By Mr. BUNDY.—I took some letters down here and copied them.

(Deposition of James T. Barber.)

By Mr. MOON.—And returned the letters and they have been here since.

By Mr. BUNDY.—Mr. Barber, Mr. Moon is Secretary of the company? A. Yes, sir.

Q. And has the final custody of the record and affairs of the company? A. Yes, sir.

Q. And you have not personally delivered any letters to me or known what letters I had, have you?

A. No, sir.

Q. My connection in that matter has been entirely through Mr. Moon? A. Yes, sir.

By Mr. GORDON.—Mr. Barber, in looking through the correspondence between you and Mr. Chapman covering the period from April or May, 1907, I failed to find any correspondence between you and Mr. Chapman concerning his trouble before the Grand Jury. Was there any correspondence passed between you concerning that matter?

A. I have no recollection of any correspondence. Everything that I have received has been filed in there.

By Mr. KEIGWIN.—Everything that you have written?

A. Yes, sir; everything I have filed or written is in there.

By Mr. GORDON.—Mr. Barber, I find on page 779 of the letter-press copy-book of the Northwestern Lumber Company a letter dated June 28-02, addressed to the Hon. John C. Spooner, U. S. Senator, Washington, D. C.:

“My dear Sir: In looking around for localities

(Deposition of James T. Barber.)

for securing timber for lumber operations when our Wisconsin timber was exhausted, we hit upon lot of timber called yellow pine in Boise County, Idaho. In this locality formerly, Much placer mining had been done but these mines were worked out and a lot of these miners were left without employment. Some time before we began the investigation of that country, a large part of these miners saw fit to locate claims on Government land under the timber and stone act. Of course they have selected the best timber in their localities and we are anxious to buy them out as soon as they secure title to their land. These titles are long past due and in Boise land office and are held up for some reason. Some time ago a general order was made to investigate all claims on Government land, before further patents were issued, and this investigation was started in Boise County. The claimants stated their case to Senator Du Bois and he explained it to the Secretary of the Interior and a peremptory order was issued through the commissioner of the general land office to the local office at Boise to give final receipts and issue patents in the regular way. The order didn't include the stopping of the investigation and so long as this continued the local land office declined to issue final receipts and patents, despite the order. This investigation is in the hands of one L. L. Sharp, and he has got hold of 2 or 3 disgrumbled miners, who thought that they would have secured claims taken by others or could not raise the necessary location fee and from them secured affidavits charging fraud, etc.

(Deposition of James T. Barber.)

These parties, I believe, are called Joe Poncho, Nels Botchar, and one Pettis.

We would like to have this matter settled at once by telegraph if possible so that we can either scrip these claims or buy them of the claimants and go on with our plans, and to this end we would like to have the Secretary order this man Sharp to report in Washington, D. C., or anywhere else out of the Boise District and let his former order issued through the general land commissioner be carried out. If you will help us out in this matter you will place us under great obligation to you, but considerable tact must be used as we understand that DuBoise is a very jealous man and if he learned anything was being done except through him, he might throw claimants into the air. I want to assure you that so far as our interests in or knowledge of the matter is concerned, everything is perfectly straight. Kindly let me hear from you at your earliest convenience. With kindest regards, I am,

Very truly yours,

JAMES T. BARBER."

(By Mr. KEIGWIN.)

Q. Mr. Barber, in looking over this file or correspondence between you and Mr. Chapman beginning on the first of January, 1907, and going down as far as the file goes which has been placed in my hands, I don't find any letters either from you or from Mr. Chapman making any mention of the fact that he had been subpoenaed to appear before the Grand Jury there, or that he had taken the action

(Deposition of James T. Barber.)

which he did; declining to produce papers out there or writings in any way or information advising or the soliciting of advice on the other side in regard to the attitude which we should take before the Grand Jury upon production of his papers. Do you wish us to understand that there was no correspondence of that kind in the months of March, April or May in 1907?

By Mr. BARBER.—I can't state positively that there was none, I simply can state that any we may have received so far as I know about it, went into the files. I have not *certitiously* made away with any correspondence or anything of the kind.

Q. I didn't imply that you had, Mr. Barber. I didn't know whether you had regarded that as a collateral matter in your relations with the company or with Mr. Chapman or kept your letters in another file or destroyed them as received.

A. I have not kept any letters in any other file or destroyed them. I don't remember that we did have any communication with Mr. Chapman. We didn't advise him at all.

Q. Mr. Barber, your recollection of the contents of this file agrees with the statement that I have made that there was no letters in this file of that character? A. Not that I know of.

Q. You don't know anything to the contrary?

A. No, sir.

Q. I will put the same question to Mr. Moon. Mr. Moon, you are and were in 1907 the Secretary of the company, I believe? A. Yes, sir.

(Deposition of James T. Barber.)

Q. And had the immediate personal charge of the correspondence of the company? A. Yes, sir.

Q. Now, do you know of any letters in this file of the dates March, April or May, 1907, of the character indicated in my question to Mr. Barber?

A. I don't know of any.

Q. Don't you know as a fact that there are no such letters in that file? A. No, sir.

Q. You don't know?

A. No, sir, I don't remember of any I received or written, but there may have been. That is some quite little while ago.

Q. If any letter of that character bearing on the subject of Mr. Chapman's conduct in this matter, had been received or written you would have placed them in this file, would you? A. Yes, sir.

Q. And you have no personal recollection now whether there were or were not such letters?

A. No, sir, I don't remember of any, and I am inclined to think there were none; if there had been they would have been filed with the other correspondence. I don't remember any and I say I am inclined to believe there were none.

Q. Then, as I understand you, that I am correct in stating that there was no such letters in this file?

A. I am inclined to think you are correct.

Q. I was unable to find any; there was one letter in there in which Mr. Chapman reports that a bill has been filed against the company, but he has been unable to see it on the files of the clerk's office. There is another letter to Mr. Chapman in which Mr. Bar-

(Deposition of James T. Barber.)

ber states something about the action and that he has been damaged as much in the newspapers as by the indictment, and I think that is all there is on the subject of any legal difficulties that Mr. Chapman had.

(By Mr. BUNDY.)

Q. Was Mr. Chapman's action before the Grand Jury made at the time on your advice or advices from this end of the line, Mr. Barber?

A. No, sir.

Q. Had you any knowledge of the fact what he was going to do or refuse to do until it was over with?

A. No, sir.

Q. Did Mr. Chapman consult you at all in what course he should take in these matters?

A. No, sir.

Q. Was he under direction of attorney here, were attorneys at this end of the line consulted?

A. No, sir.

Q. Did you consult any attorney here?

A. No, sir.

Q. Mr. Chapman employed his counsel out there and for the Barber Lumber Company?

A. Yes, sir.

Q. And was Judge Price the local attorney there for the Barber Lumber Company?

A. At that time, yes, sir.

Q. And he and Mr. Freear conducted the proceedings out there?

A. Yes, sir.

Q. Mr. Moon, did you consult Mr. Chapman or he consult you as to what his attitude should be before

(Deposition of James T. Barber.)

the Grand Jury? A. No, sir.

Q. Did you know or was you informed as to what he was going to do or refuse to do until it was over? A. No, sir.

Q. Did you consult any attorney at this end of the line in regard to it? A. No, sir.

By Mr. KEIGWIN.—We understand it was understood that the letters and other documents which have been produced at this examination will be produced at the hearing of this case at Boise.

By Mr. BUNDY.—I don't so understand it, if it was your understanding you will have to get a court order to that effect.

By Mr. KEIGWIN.—I don't know that I shall want them.

By Mr. GORDON.—Just these that have been offered in evidence.

By Mr. BUNDY.—No, we have put them in evidence, to avoid that.

Br. Mr. KEIGWIN.—You will need them in the criminal case.

By Mr. BUNDY.—Of course we will in that case, but not before, but if you want any letters in evidence you will have to put them in evidence.

By Mr. KEIGWIN.—Our suggestion relates to letters that have been offered in evidence here on one hand and on the other we supposed that the letters would be there at the trial of the case.

By Mr. BUNDY.—That is not the way we try lawsuits. We have read them into the record, if you want them you will have to put them in. We won't

(Deposition of James T. Barber.)

unless the Court tells us to.

(By Mr. BUNDY.)

Q. Mr. Barber, did Governor Steunenberg ever entirely complete his contract of twenty-five thousand acres? A. No, sir.

Q. Do you recall some correspondence by which complaint was made that some of the lands he had bought and turned over to you didn't contain the required amount of timber?

A. I think that notice of that kind came to the office.

Q. Was some arrangement made between you and Governor Steunenberg at any time in a game or proceedings by which he was released from furnishing the remaining portion of the twenty-five thousand acres? A. I think so.

Q. Do you recollect anything about the date of that?

A. I can't tell the date of that; my impression is that it was when I was out there, I am not clear on the subject.

Q. Some trip when you were out there?

A. Yes, sir.

Q. Sometime later than 1903 or '04?

A. I think it was possibly the last of 1904.

Q. I see he was carried for stock as per agreement; that is there was a certain amount of stock issued to him. Now, the question is, did you finally agree to accept what lands he agreed to turn over there in compliance with his contract?

A. Yes, sir.

(Deposition of James T. Barber.)

Q. Mr. Gordan has asked you some questions relative to a letter from Mr. Sweet. I show you a letter he got from him number 1280, taken from the files of the company? A. Yes, sir.

Q. That is a letter that was received by you?

A. Yes, sir.

Q. Is that the first communication you ever had from Mr. Sweet? A. Yes, sir.

Q. Have you ever seen Mr. Sweet personally?

A. No, sir.

By Mr. BUNDY.—We offer that in evidence. It reads as follows: It is written on the letter head of the Windsor Hotel, Philadelphia.

“April 12-03.

Messrs. Barber & Moon,

Eau Claire, Wis.

Dear Sirs: I have just looked over an agreement between you and Governor Steunenberg dated one year and a month ago today. The man that drew up the agreement is an artist. It is the fairest I ever saw between man and man. I wish to inform you that I am half owner in all holdings you alleged and that I worked a large portion of last summer on tied up claims. I acknowledge I am proud to be connected with such a bill as has been secured in the east for some time in regards to the scarcity of pine timber. I saw, some time ago, in New York papers where the Diamond Match Company was going to move from Chicago to New York. This is a question, I will have Governor Steunenberg make the deal with you by agreeing to accept half my

(Deposition of James T. Barber.)

profits for half his holdings with you, in the desire to be fair. I left in his possession ten thousand dollars to secure my portion of his obligation to you. I believe it is time it should be realized, if you have become satisfied with the deal, and I have not heard anything to the contrary. The last news I heard from Idaho was that there was 11 or 12 claims tied up. I wrote to the Governor sometime ago for a statement of the condition of affairs and he was away or has neglected to answer. I am quite a lumberman myself, worked in logging camps in Maine, Pennsylvania and Michigan, and hope I may be of service to you in some way. Will you kindly answer? This must be to me care of this Hotel. Are you satisfied with your Steunenbergs timber deals in Idaho? How much have you secured and where and for how much money, and how much money did the Governor leave or put in the concern if any?

Is the Governor under any obligations to you, and if so what for? If you are out money on the 12 claims held up it ought to have come out of Kinkaid and Wells as I own half the Governor's interest. Would you not be willing to release him for half of his obligation to you if any, and accept me for half, so there would be no necessity of my obligation to him. An early reply before I return west will be thankfully received.

Yours very truly,

WM. SWEET."

Written across the end is this: "Had this been a week day it would have been typewritten."

(Deposition of James T. Barber.)

And across page two is written, "I understand there is to be no pay for this work, that it is our duty."

Q. Now, Mr. Barber, prior to the receiving of that letter, had you been informed by anyone that Mr. Sweet had or claimed to have any interest in the holdings of the Barber Lumber Company which by your contract were held by Governor Steunenberg?

A. No, sir.

Q. Did you know or had you been informed that Mr. Sweet claimed that he had expected a half interest in the stock Governor Steunenberg was to have in lieu of one-half profits he was to receive when he sold out to you?

A. No, sir.

Q. Were the releases between Steunenberg and Sweet as set forth in this letter known to you, or did Sweet claim such releases existed prior to the receipt of this letter?

A. No, sir.

Q. Did you know prior to receiving this letter what he referred to by saying, "If you were out money on the 12 claims held up it ought to come out of Kinkaid and Wells"?

A. No, sir.

Q. I show you copy of a letter found at page 113 of the Barber Lumber Company book and ask you if that is a copy of a letter you wrote to Mr. Sweet in answer to the one just read?

A. Yes, sir.

It reads:

"April 17-03.

Mr. Wm. Sweet,

Windsor Hotel,

Philadelphia, Penn.

Dear Sir: We are in receipt of your letter of the

(Deposition of James T. Barber.)

12th and would say the writer leaves today for Idaho and will submit your communication to Governor Steunenberg after which time you will hear from us again.

Yours truly,

JAMES T. BARBER."

Q. I show you copy of a letter found at page 1452 reporting to be a copy of a letter written by S. G. Moon to Wm. Sweet. A. Yes, sir.

By Mr. BUNDY.—We offer that in evidence.

"April 20-03.

Mr. Wm. Sweet,
Windsor Hotel,
Philadelphia, Penn.

Dear Sir: I have your letter of the 18th inst. Mr. Barber is now in Idaho, and it is his intention to refer your prior letter to Governor Steunenberg and either he or the Governor will probably write you from there. I will refer your former letter to Mr. Barber, when he returns."

Q. I show you a letter taken from the files of the company 1283 dated April 18-03; that is a letter referred to in Mr. Moon's letter, is it not?

A. Yes, sir.

By Mr. BUNDY.—We offer that in evidence.

"April 18-03.

Messrs. Barber & Moon,
Eau Claire, Wis.

Dear Sirs: Although I have not heard from my letter to you of last Sunday, trust it will be to your interest for me to write today. I firmly believe the

(Deposition of James T. Barber.)

timber land is worth from 2 to 3 times what it costs and I have no doubt but that you will get title all right. It may take a year to get it. What would you give me for half the Governor's interest and take half the risk of the title. This would turn the property all into your hands. Would you give me six thousand dollars and take my interest in the title. I want to make this offer because I think my money may be tied up too long and I have a chance to get into another profitable deal. I think this would be a good chance for some of your neighbors to take up this deal. If you can get anybody to entertain this deal and allow me to do my own dealing with the Governor and be one half responsible, I will do as I say in this letter and at the same time do all I can towards securing the title. I think your Mr. Conners who you sent into the timber will say I am all right. Would be pleased to hear from you,

Yours very respectfully,

WM. SWEET."

Q. I show you a copy of a letter page 117 of the Barber Lumber Company and ask you if that is the next letter you wrote to Mr. Sweet?

A. Yes, sir.

By Mr. BUNDY.—We offer it in evidence.

"Eau Claire, Wis., April 27-03.

Mr. Wm. Sweet,

Phil., Pa.

Dear Sir: Your letters of the 12th and 18th are before us and the contents carefully examined. We note in them about the arrangement you have with

(Deposition of James T. Barber.)

Governor Steunenberg and are not in any way prepared to take any part in any controversy that may arise between you. The Governor has \$37,500.00 of stock in this company issued to him when he is prepared to pay for the same with six per cent interest from the organization of the company. This right at the present time is of comparatively no value as there is still in the treasury of the company a large block of unscribed stock which is on the same basis as that to which the Governor has a right. Under these circumstances we are not in a position to offer you anything for your interests in the Governor's rights.

Yours very truly,

JAMES T. BARBER."

Q. The next and last letter appearing in the files here letter from Mr. Sweet marked 1289; is that a letter you received from him? A. Yes, sir.

By Mr. BUNDY.— We offer it in evidence.

"Oskhosh, Wis., March 14-05.

Messrs. Barber & Moon,
Eau Claire, Wis.

Dear Sirs: Could you be interested in a good timber proposition in Cuba? I have just come from Cuba after four months stop. Could you help me raise a hundred thousand dollars for timber proporation in your town? I can tell you Idaho is not in it for a good investment. Please let me hear from you at this Hotel. I was interested in the Idaho land that you bought.

Respectfully yours,

WM. SWEET."

(Deposition of James T. Barber.)

Q. Mr. Barber, have you ever heard from Mr. Sweet since that letter? A. No, sir.

Q. Have I not read into the record all the correspondence you have had with Mr. Sweet on the subject?

A. I think that letter was answered. Does not bear on the subject of Idaho lands at all.

Q. You testified the other day to the effect that there were two or three letters passed between you and Mr. Ruick in the course of several years. I don't care to go into that. Do you mean two or three or do you have any idea how many it was?

A. I have no distinct recollection; it was several, I can't say whether it was three or six.

Q. It was pending several years?

A. Yes, a long time.

Q. About a railroad to his timber project in Idaho? A. His railroad?

Q. Now, Mr. Barber, the original officers of the Barber Lumber Company; you were President, Mr. Moon, Secretary, Mr. Carson, Vice-president, and Mr. Lockwood, Treasurer? A. Yes, sir.

Q. Did Mr. Lockwood or Mr. Carson at any time have anything to do with the purchase of lands in the State of Idaho? A. No, sir.

Q. Were any of the officers of the company in charge of that work or familiar with its proceedings except you and Mr. Moon and your agent out there?

A. No, sir.

Q. Mr. Barber, do you recollect at the time Governor Steunenberg was here when you made your ar-

(Deposition of James T. Barber.)

rangements with him that you consulted Mr. Frawley with reference to the matter? A. Yes, sir.

Q. Do you recollect at that time that Mr. Frawley on his firm, investigated the question arising on Governor Steunenberg's proposition?

A. Yes, sir.

Q. I show you an opinion, purporting to be an opinion at least, signed Roy P. Wilcox; you are familiar with that signature, are you not?

A. Yes, sir.

Q. He is a brother in law of yours?

A. Yes, sir.

Q. At that time was the Junior member of the firm of Frawley, Bundy & Wilcox?

A. Yes, sir.

Q. Mr. Frawley was the Senior member of that firm? A. Yes, sir.

Q. And that opinion was prepared and delivered to you at that time or to Mr. Moon?

A. It was not delivered to me, but I think it was delivered to Mr. Moon.

By Mr. BUNDY.—We offer it in evidence. Not as good law but to show what opinion he had, which reads as follows:

The act of Congress of June 3rd, 1878 (20 Statutes at Large, p. 89, Appendix No. 6, p. 168) provides for the sale of timber lands in the states of California, Oregon, Nevada and Washington, and the act of August 4th, 1892, Sec. 2 (27 Statutes at Large, p. 348, Appendix No. 51, p. 231), extends the provisions of the former act to all of the public lands

states. An act passed May 18th, 1898 (30 Statutes at Large, p. 418), abolished the distinction between offered and unoffered lands. This act specifically includes the Timber and Stone Act of June 3rd, 1878, as extended by the act of August 4th, 1892, and provides that all lands within said acts shall be treated as unoffered lands. Attached hereto is a copy of the act of June 3rd, 1878, in so far as it relates to the acquirement of lands thereunder, being marked "Exhibit A." The questions to be determined will be treated in their order, and the conclusions drawn from decisions stated thereunder.

a. How may title to lands be obtained under the act?

1. The circular of the General Land Office of July 7th, 1897, directed to registers and receivers, on pages 45, 46, and 47, provides fully the method of obtaining lands under this act, and outlines the procedure as follows: "The quantity of lands which may lawfully be acquired under said acts, by any one person or association, is limited to not exceeding one hundred and sixty acres, which must be in one body."

19 L. D. 512, Case of Dan'l J. Heyfran.

2. The land must be chiefly valuable for timber (or stone), and unfit for cultivation if the timber were removed.

3. It must be unreserved, unappropriated and uninhabited, and without improvements (except for ditch or canal purposes), except such as were made by or belong to the applicant.

4. Lands containing valuable deposits of gold,

silver, cinnabar, copper or coal are not subject to entry under this act.

5. One entry or filing only can be allowed any person or association of persons. A married woman may purchase if the laws of the state or territory where the entry is made permit her to purchase and hold real estate as a feme sole; but in addition to other proofs, she shall make affidavit that her husband has or shall have no interest of any kind therein, etc.

6. A person applying to purchase a tract under this act is required to make affidavit before the register or receiver that he has made no prior application under this act; that he is by birth or naturalization a citizen of the United States, or has declared his intention to become a citizen; if native born, parol evidence of that fact will be sufficient; if not native born, record evidence of the prescribed qualifications must be furnished. The affidavit must designate by legal subdivisions the tract which the applicant desires to purchase, setting forth its character as above; stating that the same is unfit for cultivation, and valuable chiefly for its timber or stone; that it is uninhabited; that it contains no mining or other improvements, except for ditch or canal purposes (if any exist), save such as were made by or belong to the applicant, nor, as deponent verily believes, any valuable deposits of gold, silver, cinnabar, copper or coal; that deponent does not intend to purchase the same on speculation, but in good faith, to appropriate it to his exclusive use and benefit; and that he has

not, directly or indirectly, made any agreement or contract, in any way or manner, with any person or persons whomsoever by which the title which he may acquire from the Government of the United States shall inure, in whole or in part, to the benefit of any person except himself.

7. Any person swearing falsely is guilty of perjury, and will be punished under the law in such cases, and in addition thereto the money which he paid for the lands is forfeited, and all conveyances of the land, or of any right, title or claim thereto, are absolutely null and void (except in the hands of bona fide purchasers, is the language of the act) as against the United States.

8. The sworn statement above (See section 2 of act), must be upon person knowledge, except as noted above.

9. The register and receiver must read such affidavit to the applicant and swear him before signature.

10. The published notice required by the third section of the act must state the time and place when and the officer before whom the applicant intends to offer proof, which must be after the expiration of the sixty days of publication. (See circular of September 5th, 1889, 9 L. D. 384.) This circular changes the former rule requiring final proofs and payment within ninety days after publication, so that the same may be made at a date to be fixed by the register, which shall be "at a reasonable time after due application, having due regard to the exigencies

of business of their respective offices.” (9 L. D. 384.) The notice referred to above is “Sec. 3. That upon the filing of said statement, as provided in the second section of this act (i. e., the affidavit mentioned, one of which goes to the General Land Office), the register of the Land office shall post a notice of such application, embracing a description of the land by legal subdivisions, in his office, for a period of sixty days, and shall furnish the applicant with a copy of the same for publication, at the expense of such applicant, in a newspaper published nearest the location of the premises, for a like period of time; and after the expiration of said sixty days, if no adverse claim shall have been filed, the person desiring to purchase shall furnish to the register of the land office satisfactory evidence, First, that such notice of the application prepared by the register as aforesaid was duly published in a newspaper, as herein required; Secondly, that the land is of the character contemplated in this act (as above noted) * * * and upon payment to the proper officer of the purchase money of such land, together with the fees of the register and receiver as provided in the case of mining claims in the 12th section of the act approved May 10th, 1872, the applicant may be permitted to enter said tract; and on the transmission to the General Land Office of the papers and testimony in the case, a patent shall issue thereon; provided, that any person having a valid claim to any portion of the land may object in writing to the issuance of a patent to the land so held by him, stating

the nature of his claim thereto; that evidence shall be taken and the merits of said objection shall be determined by the officers of the land office, subject to appeal as in other land cases. Effect shall be given to the foregoing provisions of this act by regulations to be prescribed by the Commissioner of the General Land Office."

This published notice must also contain the names of the witnesses who are to testify.

Case of Sarah L. Bigelow, 20 L. D. 6.

In this case a number of witnesses were named in the notice as persons who would testify to the facts necessary to entitle the applicant to perfect her entry, and upon the hearing of such evidence two entirely different witnesses gave the evidence. It was held that this was insufficient.

11. The evidence to be furnished to the satisfaction of the register and receiver at the time of the entry, as required by section 3 of the act, must be taken before the register and receiver, and will consist of the testimony of the applicant, corroborated by the testimony of two disinterested witnesses. The testimony will be reduced to writing by the register or receiver, upon the blanks furnished for the purpose, after verbally propounding the questions set forth in the printed forms. The accuracy of affiant's information and the bona fides of the entries must be tested by close and sufficient oral examination. The register and receiver will especially direct such examination to ascertain whether the entry is made in good faith, for the appropriation of the lands to the

entryman's own use, and not for sale or speculation, whether he has conveyed the land, or his right thereto, or agreed to make any such conveyance, or whether he has directly or indirectly entered into any contract or agreement, in any manner, with any person or persons whomsoever, by which the title that may be acquired by the entry shall inure, in whole or in part, to the benefit of any person or persons except himself. They will certify to the fact of such oral examination, its sufficiency and their satisfaction therewith.

12. Attention is called to the instructions of this office of August 19th, 1884, addressed to the register and receiver at Humboldt, California (3 L. D. 84), in respect to the correctness of applications and entries, the examination of parties and witnesses, and the duty of local officers in accepting and rejecting and reporting such applications and entries; and all registers and receivers will strictly follow and be governed by said instructions.

13. The entire proof must be taken at one and the same time, and payment must be made at the time of offering proof. Proof will in no case be accepted in the absence of a tender of the money; and the register's certificate will in no case be given to the party or his attorney, but must be handed directly to the receiver by the register; and no note will be made upon the plats or tract books until the receiver's receipt has been issued. The proofs, certificate and receipt must, in all cases, bear even date.

14. Where an adverse claim, or any protest

against accepting proof or allowing an entry, is filed before final certificate has been issued, the register and receiver will at once order a hearing, and will allow no entry until after their written determination, upon such hearing has been rendered. They will report their final action in all protest and contest cases, and transmit the papers to this office.

15. After certificate has been issued, contest, application and protests will be submitted to this office, as in other cases of contest after final entry.

16. Contests may be brought against timber and stone land applications, or entries in accordance with rule 1 of Rules of Practice, either by an adverse claimant or by any other person, and for any sufficient cause affecting the legality or validity of the filing, entry or claim.

17. In case of an association of persons making application for an entry under this act, each of the persons must prove the requisite qualifications, and their names must appear in the sworn statement, as in the case of an individual person. They must also unite in the regular application for entry, which will be made in their joint names, as in other cases of joint cash entry. The forms prescribed for cases of application by individual persons may be adapted for use in applications for this class, and the sworn statement as to the character of the lands may be made by one member of the association upon his personal knowledge.

18. No person who has made an individual entry or application can thereafter make one as a member

of an association; nor can any member of an association making an entry or application be allowed thereafter to make an individual entry or application.

19. Applicants to make timber land entries, and claimants and witnesses making final proof, must in all cases, state their places of actual residence, their business or occupation, and their postoffice address. It is not sufficient to name the county and state or territory where a party lives, but the town or city must be named; and if the residence is in a city, the street and number must be given. For forms of sworn statement, testimony of witnesses, etc., see page 290-291, circular General Land Office, July 11th, 1899.

In payment for lands, military land warrants and scrip may be used in lieu of cash (p. 8 circular above).

For fees of officers, see act hereto attached, and fees for reducing testimony to writing see Section 2238 R. S., paragraphs 10, 11 and 12, and act of June 3rd, 1876, Section 3.

It has been held under this act that timber land that is fit for cultivation by ordinary agricultural process when the timber is removed, is not subject to entry, under Section 1 of the act.

11 L. D. 484.

The burden of proof as to the character of the land is on the claimant.

4 L. D. 164-238.

But the land that is unfit for cultivation until the trees and stone are removed, is subject to entry

under this act, especially where the chief value of the land is for the timber.

15 L. D. 564.

U. S. vs. Budd, 12 Sup. Ct. Rep. 575.

b. To what state of completion must the claimant have perfected title before he can convey lands, giving good title thereto?

It has been held that until an application has been finally allowed, the applicant has no right to or control over the land.

9 L. D. 335.

But that the right to receive title is complete on proof and payment made in good faith, see,

5 L. D. 38.

Stark vs. Starr, 6 Wall. 402.

Wirth vs. Bronson, 92 U. S. 118.

In the case in 5 L. D., above, the applicant made an entry, completed proof and tendered purchase money; there was a contest, and prior to the decision in his favor he died, and it was held that his heirs might complete the purchase and take a patent.

Until the issuance of a patent, the Department may cancel an entry on sufficient proof that the same is on land that is not subject to such appropriation, or that the entry is in fraud of the law.

11 L. D. 484, citing 5 L. D. 442, 6 L. D. 255.

9 L. D. 573; 10 L. D. 415.

Witherspoon vs. Duncan, 4 Wall. 210.

Lee vs. Johnson, 116 U. S. 48.

Alienation prior to the issuance of a patent will not abridge the authority of the Department over

an entry made under the Timber and Stone Act.

9 L. D. 573.

And the purchaser of land held under final certificate, after entry and before patent, taken an equity only, and is charged with notice of all defects in the title.

10 L. D. 415; 3 L. D. 33; 5 L. D. 55-442; 7 L. D. 327; 8 L. D. 46; 9 L. D. 316-573.

He has no greater or different right than the entryman.

11 L. D. 123.

The phrase "bona fide purchaser," as used in the Timber and Stone Act, is not applicable to the purchaser before patent.

14 L. D. 618.

The reason given for this rule is that the transferee does not purchase the legal title, but simply an equity, and that the rule of innocent purchaser only applies where the title is actually acquired. The transferee under a timber land entry is not an innocent purchaser, where the entry is fraudulent and the transferee is a party to the fraud.

12 L. D. 313.

It is held further that a purchaser, prior to patent, of land entered under this act, takes but an equity, and cannot plead the status of innocent purchaser, now can it avail such purchaser that the matters whereof the entryman testified falsely were solely within the knowledge of such entryman.

14 L. D. 392.

The right of alienation exists where there has been

a due compliance with the law and the final certificate has issued.

1 L. D. 494; 3 L. D. 23;

4 L. D. 136-350-544; 5 L. D. 170-315-609-702;

6 L. D., 123-517; 7 L. D. 368.

But the purchaser before patent is not entitled to be heard in contest proceedings against the entry.

1 L. D. 106.

From these decisions, we deduce the rule that after entry, final proof and receipt issued, the applicant may sell and transfer his interest in the land, subject, however, to the right of the Department, at any time before the issuance of the patent, to cancel the entry, by reason of the fact that the land was not subject to entry under the act, or that there was fraud in the making of the entry, the purchaser at such time taking the equitable interest and the applicant being the holder of the legal title, when one is issued, as trustee for such equitable owner. In other words, the transferee takes all the interest of the applicant excepting the right to make a legal title subject to existing equities.

Pursuing the question further, the general rule is that the title of the United States passes with the issuance of the patent, and with the title passes all authority and control of the Land Department over the land, and over the title which the patent conveys.

2 L. D. 114; 1 L. D. 592-657; 4 L. D. 173-253-344-396;

5 L. D. 483; 6 L. D. 314; 8 L. D. 70-471;

9 L. D. 83-597; 10 L. D. 694.

And thereafter the title can be invalidated only by judicial proceedings.

9 L. D. 83.

And it is held by the United States Supreme Court that in proceedings required for the alienation of public lands, in the absence of fraud or imposition, the action of the Land Department upon matters of fact cognizable by it, is conclusive.

Lee vs. Johnson, 116 U. S. 48.

If the Department, however, issues a patent under a mistake of the law, to one not entitled to it, a court of equity will correct the error by requiring a transfer of the legal title to the true owner.

Lee vs. Johnson, *supra*.

It is also held that whether the patent issued is void or not, it *prima facie* passes the title, and precludes the exercise of further Departmental jurisdiction over the land, until the patent is vacated by judicial proceedings.

9 L. D. 114.

From these decisions, we deduce the rule that even after the issuance of the patent, the patentee's title may be attached in judicial proceedings, by showing fraud or imposition on the Land Department, or mistake of law on the part of the Department in issuing the patent.

c. What security may be legally given upon lands by applicant before he has perfected title thereto?

It is held under the pre-emption laws that a pre-emptor may mortgage his claim to secure money for

the purpose of making final proof and payment.

1 L. D. 409.

6 L. D. 340.

9 L. D. 337.

13 L. D. 198.

And under the homestead laws, it is held that a homesteader may, before issuance of final certificate, for any purpose not inconsistent with good faith, mortgage his claim.

8 L. D. 243.

It is also held that a mortgagee whose interest appears should be given notice of all action taken, and in the absence of such notice, his right to be heard is not defeated.

15 L. D. 224.

But if he does not file in the local office a notice of his interest, he cannot call in question the validity of the proceedings against the entry.

12 L. D. 462.

13 L. D. 556.

These decisions assume the right of the applicant to mortgage his interest at any time, for any purpose consistent with good faith, and his intention to acquire the lands for his sole use and benefit.

An applicant in good faith, who is unable to procure the purchase money at the time fixed for the completion of the entry, may be permitted, on new notice given, in the absence of adverse claims, to complete the purchase.

12 L. D. 561.

d. What agreements are held fraudulent?

Generally, any agreement which is contrary to the letter or spirit of the law itself, and is attempted to be carried out by fraud or evasion, will vitiate the title.

It is difficult to lay down any general rule, fraud being a question of fact, so we collate a few of the decisions in reference to what is and what is not fraud.

A sale after entry does not show bad faith sufficient to justify a cancellation.

Case of Isabella M. Dweyer, 6 L. D. 33.

In this case the applicant made an affidavit that she had made no agreement to sell the land prior to making final proof, and this was held sufficient to overcome any presumption which might arise by reason of the fact that she did sell it immediately thereafter.

It is held that entries made for the benefit of others are an evasion of the law, and fraudulent.

3 L. D. 84.

14 L. D. 392.

The Secretary of the Interior in the latter case distinguishes *United States vs. Budd*, 144 U. S. 1254, 12 Sup. Ct. Rep. 575, and announces the rule and an innocent purchaser must have legal title, and the fact that he had a mere equity in good faith will not make him an innocent purchaser, within the meaning of the law.

An agreement to convey any part of a pre-emptive claim, made prior to final proof, will defeat

the exercise of the pre-emptive right.

16 L. D. 113.

And a contract to convey on receipt of final certificate renders the entry fraudulent, and requires its cancellation.

8 L. D. 269.

15 L. D. 201.

Contract to convey homestead after patent does not defeat the right of entry.

3 L. D. 284.

But a contract to convey after final proof raises a presumption of bad faith.

6 L. D. 95.

And the Government of the United States will not knowingly further a fraudulent design.

4 L. D. 158-308.

But alienation prior to issuance of final certificate will not defeat the right to a patent when the proof shows a due compliance with the law.

6 L. D. 218.

7 L. D. 292-445.

8 L. D. 268.

1 L. D. 101.

Meyers vs. Croft, 13 Wall. 291.

And the presumption of fraud is not justified by the fact of sale made shortly after entry.

4 L. D. 135.

The general rule is laid down, that while it is competent for the Land Department to take cognizance of fraud whenever it appears to effect the title to public lands, it is not its province to inquire into it

when it merely affects the private rights of the parties.

2 L. D. 616-621.

e. After final receipt may the claimant sell, and will the patent, when issued, inure to the benefit of the purchaser?

See authorities collated under sub-division B supra, from which it seems clear that the applicant may sell after final certificate, and that when the patent issue to him he will be directed to transfer the naked legal title, which he is said to hold as trustee, to the purchaser as the beneficial owner. It is probably true that there is some provision existing in the regulations of the Department by which the purchaser may file or record his transfer *t* and the relinquishment of the applicant, and so have the patent issued directly to him, but we have not been able to find such provision in the books at hand.

f. How, and for what cause, will title be assailed and defeated after issuance of final certificate?

Under the authorities above stated, the Land Department retains absolute control over the land until the divesting of the Government's title by the issuance of patent, and at any time prior to such issuance may cancel the entry for fraud, imposition, or the appearance of the fact that the land was not subject to entry under the act.

g. How, and for what cause, will title be impeached after patent issued?

Under the authorities cited under sub-division B, the Department cannot impeach title after patent once issued.

The only remedy then is a suit in equity, where the usual grounds of equitable interference may be invoked, such as fraud, imposition, mistake of the law, etc.

See *Lee vs. Johnson*, *supra*.

By way of recapitulation, we state,

1. Title to lands under the Timber and Stone Act may be obtained in the manner detailed above.

2. Prior to the issuance of the patent, any title conveyed by the entryman is simply the title he has, subject to all existing equities, and subject to cancellation by the Land Department if for any cause shown, the entry was improper.

3. The entryman may give security on his interest for any purpose not inconsistent with good faith.

4. All agreements looking to an evasion of the law, or an imposition on the Department are fraudulent, and will result in the cancellation of the entry.

5. The entryman may sell after final receipt, and when patent is issued, he takes the title as trustee for his vendee.

6. After the issuance of the patent, the only means of attacking the patentee's title is a suit in equity, wherein the complainant must show himself entitled to relief within equitable rules.

Respectfully submitted,

ROY P. WILCOX.

EXHIBIT "A."

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, that surveyed public lands of the

United States within the states of California, Oregon, Nevada and in Washington Territory, not included within military, Indian or other reservations of the United States, valuable chiefly for timber but unfit for cultivation, and which have not been offered at public sale according to law, may be sold to citizens of the United States, or persons who have declared their intention to become such, in quantities not exceeding one hundred and sixty acres to any one person or association of persons, at the minimum price of \$2.50 per acre; and lands valuable chiefly for stone may be sold on the same terms as timber lands; provided that nothing herein contained shall defeat or impair any bona fide claim under any law of the United States, or authorize the sale of any mining, claim, or the improvements of any bona fide settler, or lands containing gold, silver, cinnabar, copper or coal, or lands selected by the said states under any law of the United States dedicating lands for internal improvements, education or other purposes; and provided further that none of the rights conferred by the act approved July 26th, 1866, entitled "An act granting the right of way to ditch and canal owners over the public lands and for other purposes" shall be abrogated by this act; all patents granted shall be subject to any vested and accrued water rights as may have been acquired under and by the provisions of said act; and such rights shall be especially reserved in any patent issued under this act;

Sec. 2. That any persons desiring to avail himself of the provisions of this act shall file with the regis-

ter of the proper district a written statement, in duplicate, one of which is to be transmitted to the General Land Office, designating by legal subdivisions the particular tract of land he desires to purchase, setting forth that the same is unfit for cultivation, and valuable chiefly for its timber or stone; that it is uninhabited; contains no mining or other improvements, except for ditch or canal purposes, except and save such as were made by or belong to the applicant, nor, as deponent verily *delives*, any valuable deposit of gold, silver, cinnabar, copper or coal; that deponent has made no other application under this act; that he does not intend to purchase the same on speculation, but in good faith, to appropriate it to his own exclusive use and benefit; that he has not, directly, or indirectly, made any agreement or contract in any way or manner, with any person or person whatsoever by which the title which he might acquire from the Government of the United States should inure, in whole or in part, to the benefit of any person except himself; which statement shall be verified by the oath of the applicant before the register or receiver of the land office within the district where the land is situated; and if any person taking such oath shall swear falsely in the premises, he shall be subject to all the pains and penalties of perjury, and shall forfeit the money which he may have paid for such lands, and all right and title to the same; and any grant or conveyance which he may have made, except in the hands of bona fide purchasers, shall be null and void.

Sec. 3. That upon the filing of said statement, as provided in the second section of this act, the register of the land office shall post a notice of such application, embracing a description of the land by legal subdivisions, in his office for the period of sixty days, and shall furnish the applicant with a copy of the same for publication, at the expense of the applicant, in a newspaper published nearest the location of the premises for a like period of time; and after the expiration of said sixty days, if no adverse claim shall have been filed, the person desiring to purchase shall furnish to the register of the land office satisfactory evidence, first, that said notice of the application prepared by the register as aforesaid, was duly published in a newspaper, as herein required; secondly, that the land is of the character contemplated in this act, unoccupied and without improvements, other than those excepted, either mining or agricultural, and that it apparently contains no deposits of gold, silver, cinnabar, copper or coal; and upon payment to the proper office of the purchase money for such lands, together with the fees of the register and receiver, as provided for in the case of mining claims, in section 12 of the act approved May 10th, 1872, the applicant may be permitted to enter said tract, and on transmission to the General Land Office of the papers and testimony in the case, a patent shall issue thereon; provided, that any person having a valid claim in any portion of the land, may object in writing to the issuance of a patent to the lands so held by him, stating the nature of his claim thereto; and

evidence shall be taken, and the merits of said objection determined, by the officers of the land office, subject to appeal, as in other land cases. Effect shall be given to the foregoing provisions of this act by regulations to be prescribed by the Commissioner of the General Land Office.

Q. There is one other thing Mr. Barber, there is a telegram shown you from Mr. Hosely, dated September 11-03, asking you to meet him on that night at the Eau Claire House, which telegram seems to have been telephoned to your house as appears by notation of Mr. Cotten thereon. Have you any better recollection of how long Mr. Hosely remained at Eau Claire than when you testified?

A. After thinking the matter over it comes back to me that I met Mr. Hosely at the Eau Claire House and spent the evening with him. He returned to Neillsville on the late train, possibly 11 o'clock.

Q. Then you think your evidence to the effect that he was here the next day was an error?

A. I think that was an error as I stamped the telegram as received the next day when I took it to the office. The telegram would bear out that.

By Mr. BUNDY.—I show you a letter taken from the files of the company marked 290; is that a letter you received from Gov. Steunenberg?

A. Yes.

Q. Received Dec. 14-03?

A. Yes, sir.

Q. I offer that in evidence.

(Deposition of James T. Barber.)

“Boise, Dec. 4,-03.

S. G. Moon,

Secretary,

Eau Claire, Wis.

Dear Sir: Herewith letter from assessor Kootenai County that disposes of tax matters. Matters here about as usual. Final proofs are now being made on 6-4 entries and I will probably wire you for funds to meet purchases soon. We have taken possession of Caston ranch and Hosely has some more waiting there. He is also getting the timber.”

Q. That is all I want to ask Mr. Barber.

By Mr. GORDON.—That is all, Mr. Barber. I thank you.

**[Deposition of S. G. Moon, for the Defendants
(Recalled).]**

By Mr. BUNDY.—Mr. Moon, what is referred to by the Kootenai land in the letter last read?

By Mr. MOON.—The scrip which we owned and got there from Mr. Phipps, I think that is a lot was located in Kootenai County. That is the land in which the scrip was issued, the lands covered by the scrip, the lands which the Northern Pacific owned and deeded to the Government were located in Kootenai County, and until we placed the scrip we had to pay taxes on this land to Kootenai County. It is in northern Idaho.

Q. Did you hear Mr. Barber testify with reference to the correspondence in this case found in

(Deposition of S. G. Moon.)

the files of the Barber Lumber Company which are here at present? A. Yes, sir.

Q. When was the entire correspondence as it is here first turned over to me?

A. Why, I don't remember the exact date; but it was about two weeks ago.

Q. At that time I requested you to send everything of every kind and character.

A. Yes, sir.

Q. Did you send everything of every kind and character including all the correspondence, papers, books, accounts and everything in your office or under your control or of which you have any knowledge? A. Yes, sir.

Q. With reference to the business of the Barber Company in Idaho? A. Yes, sir.

Q. Mr. Moon also stated that these letters were turned over to his attorney at the beginning of this litigation, you are the secretary of the company, are you not? A. Yes, sir.

Q. Please state in what manner these letters have been turned over to me and for what purpose. What letters do you know?

A. The letters nor any of the letters were ever out of the office, except temporarily. When you came up there and found something you wanted to copy or take away the letters of some particular person to read over in your office and after you had finished with them you brought them back and they were replaced in the files.

Q. Do you remember that after the Borah trial I

(Deposition of S. G. Moon.)

brought letters down here from certain correspondence at the time and had copies made?

A. Yes, sir.

Q. And returned them and got the next ones?

A. Yes, sir.

Q. And the files and papers you have produced here include everything of every kind and character pertaining to this business under your control of which you have any knowledge?

A. Yes, sir, I made a careful search of everything that I had relating to the business of the Barber Lumber Company and it is all brought down. It is all here. I may say that the search was necessary because for a considerable time at first there was no regular place to keep letters. I kept my correspondence with reference to the Barber Lumber Company's business, that is correspondence to the Barber Lumber Company, which came to me in two drawers in tables in my office and in a drawer in the vault. Mr. Barber had two or three places of keeping things so that when you came to want anything it was necessary for me to search pretty well all over.

Q. And you did search all over and everything was turned over?

A. Yes, sir; I am satisfied there is nothing more in the office in the way of correspondence relating to the Barber Company's business, unless it is very recent.

By Mr. BUNDY.—I will say that the letters were taken by me for the Borah trial and after copies

were made and that everything has been absolute kept intact in our vault, and when finished have been returned and that there is not been a scratch taken from these files by me that has not been returned to them.

By Mr. BUNDY.—That is all, Mr. Moon.

By Mr. GORDON.—I think that is all, Mr. Moon.

By Mr. BUNDY.—The defendant announces that the evidence on the part of the Barber Lumber Company is closed and defendant rests.

This notice is made for the purpose of starting of time allowed by Court for complainant to take its rebuttal evidence running, subject, of course, to the right to introduce any sur-rebuttal evidence taken upon the part of the complainants.

United State of America,
State of Wisconsin,
Eau Claire County,—ss.

I, A. H. Shoemaker, a notary public, in and for the county of Eau Claire, in the State of Wisconsin, do hereby certify that the above and foregoing depositions of James T. Barber, Sumner G. Moon, P. J. Cosgrove and F. H. L. Cotten, were taken before me at rooms 2-4, in the Union Savings Bank Building, in the City of Eau Claire, in Eau Claire County, Wisconsin, beginning on the 10th day of May, 1909, at nine o'clock in the forenoon; that the said depositions were taken at the instance of the said defendants, upon verbal interrogatories; that said depositions were taken down in shorthand and reduced to typewriting by me; that said depositions were taken to be used in the action of United States

of America, Complainant, against Barber Lumber Company and others, Defendants, now pending in the United States Circuit Court for the District of Idaho; that said depositions were taken pursuant to the stipulation of the said parties by their respective attorneys as stated in and at the commencement of said depositions, and hereunto annexed; that the exhibits hereunto attached and referred to in said depositions were offered and received in connection therewith as in said depositions stated; that each of said deponents before examination was sworn to testify the truth, the whole truth and nothing but the truth relative to such cause, and that the signing of said depositions by the parties giving the same was duly waived by the stipulation of the parties hereto by their respective attorneys.

[Seal]

_____,
Notary Public in and for Eau Claire County, Wisconsin.

It is stipulated that the signature to the above certificate of A. H. Shoemaker, notary before whom the foregoing depositions of Jas. T. Barber, S. G. Moon, P. J. Cosgrove, and F. H. L. Cotten be and hereby is waived and that the notarial seal shall be deemed a sufficient authentication.

Dated 6/21/09.

PEYTON GORDON,
Solicitor for Comp.

C. T. BUNDY,
Solicitor for Deft. B. Lbr. Co.

[Endorsed]: Filed June 19, 1909. A. L. Richardson, Clerk.

In the Circuit Court of the United States for the District of Idaho, Central Division.

IN EQUITY—No. 47.

THE UNITED STATES OF AMERICA,

Complainant,

vs.

THE BARBER LUMBER CO. (a Corporation),
et al.,

Defendants.

Stipulation [Re Memoranda and Abstract of Exhibits].

IT IS STIPULATED, by and between the parties to this cause, that the memoranda and abstract of the exhibits in said cause hereto attached, consisting of pages, numbered consecutively, from 1 to 495, inclusive, shall stand as and for a praecipe and direction to the Clerk of said Court, as to the exhibits and the parts and portions of the exhibits in said cause, to form and to be made a part of the transcript of the record of exhibits in said cause, to be transmitted to the Circuit Court of Appeals for the Ninth Circuit.

IT IS FURTHER STIPULATED, that when a transcript of the record of exhibits is made by copying therein, in full, the exhibits so designated in said memoranda and abstract, and by incorporating in said transcript a copy of the balance of said memoranda and abstract hereto attached (in so far as the said Clerk, by a comparison of the same with the original exhibits, shall find it accurate), the same

shall stand as and for the complete transcript of the said exhibits in said cause.

PEYTON GORDON,

A. B. JACKSON,

Special Assistants to the Attorney General, Solicitors for Complainant.

C. T. BUNDY,

Solicitor for Defendant.

Filed June 25, 1910. A. L. Richardson, Clerk.

Copy of Form of Sworn Statement upon Which All Sworn Statements Hereinafter Referred to Were Made.

4—537.

This affidavit can be made only upon the personal knowledge of applicant derived from his own personal examination of the land.

TIMBER & STONE LANDS.—SWORN STATEMENT.

(TO BE MADE IN DUPLICATE).

Land Office at

(Date)190....

I,, of (town or city)
county of, State (or Territory) of
..... desiring to avail myself of the provisions of the act of Congress of June 3, 1878, entitled "An Act for the sale of timber lands in the State of California, Oregon, Nevada, and in Washington Territory," as extended to all the Public Land States by act of August 4, 1892, for the purchase of the.....
.....

of Section, Township, of Range, in the district of lands subject to sale atdo solemnly that I am a native (or naturalized) citizen (or have declared my intention to become a citizen) of the United States, of the age of, and by occupation; that I have personally examined said land, and from my personal knowledge state that said land is unfit for cultivation, and valuable chiefly for its; that it is uninhabited; that it contains no mining or other improvements nor, as I verily believe, any valuable deposit of gold, silver, cinnabar, copper, or coal; that I have made no other application under said acts; that I do not apply to purchase the land above described on speculation, but in good faith to appropriate it to my own exclusive use and benefit, and that I have not, directly or indirectly, made any agreement or contract, or in any way or manner, with any person or persons whomsoever, by which the title I may acquire from the Government of the United States may inure in whole or in part to the benefit of any person except myself, and that my post-office address is
.
.

I HEREBY CERTIFY that the foregoing affidavit was read to affiant in my presence before he signed his name thereto; that said affiant is to me personally known (or has been satisfactorily identified before me by), and that I verily believe him to be the person he represents himself to

be; and that this affidavit was subscribed and sworn to before me this day of, 190....

.....,

Register (or Receiver).

NOTE.—Every person swearing falsely to the foregoing affidavit is guilty of perjury, and will be punished as provided by law for such offense. In addition thereto, the money that may be paid for the land is forfeited and all conveyances of the land or any right, title, or claim thereto, are absolutely null and void as against the United States.

In case the party has been naturalized or has declared his intention to become a citizen, a certified copy of his certificate of naturalization or declaration of intention, as the case may be, must be furnished.

If the residence is in a city, the street and number must be given.

(Copy of Back of Timber &
Stone Lands S. S.)

4—537.

TIMBER LANDS.

(Acts of June 3, 1878, and Aug-
ust 4, 1892.)

SWORN STATEMENT.

LAND OFFICE AT

.....

Sec., Township,
Range

**Copy of Form of Non-mineral Affidavit upon Which
All Non-mineral Affidavits Hereinafter Re-
ferred to Were Made.**

4—062.

NON-MINERAL AFFIDAVIT.

This affidavit can be sworn to only on personal knowledge, and cannot be made on information and belief.

The Non-Mineral Affidavit accompanying an entry of public land must be made by the party making the entry, and only before the officer taking the other affidavits required of the entryman.

**DEPARTMENT OF THE INTERIOR,
UNITED STATES LAND OFFICE.**

.....
.....190....

....., being duly sworn according to law, deposes and says that he is the identical..... who is an applicant for Government title to the; that he is well acquainted with the character of said described land; and with each and every legal subdivision thereof, having frequently passed over the same; that his personal knowledge of said land is such as to enable him to testify understandingly with regard thereto; that there is not, to his knowledge, within the limits thereof, any vein or lode of quartz or other rock in place, bearing gold, silver, cinnabar, lead, tin, or copper, or any deposit of coal; that there is not within the limits of said land to his knowledge, any placer, cement, gravel, or other valuable mineral deposit; that the land

contains no salt spring, or deposits of salt in any form sufficient to render it chiefly valuable therefor; that no portion of said land is claimed for mining purposes under the local customs or rules of miners or otherwise; that no portion of said land is worked for mineral during any part of the year by any person or persons; that said land is essentially non-mineral land, and that his application therefor is not made for the purpose of fraudulently obtaining title to the mineral land, but with the object of securing said land for agricultural purposes, and that his postoffice address is

.....

I hereby certify that the foregoing affidavit was read to affiant in my presence before he signed his name thereto; that said affiant is to me personally known (or has been satisfactorily identified before me by), and that I verily believe him to be a credible person and the person he represents himself to be, and that this affidavit was subscribed and sworn to before me at my office in, within the land district, on this day of, 190....

.....,

NOTE.—The officer before whom the deposition is taken should call the attention of the witness to the following section of the Revised Statutes, and state to him that it is the purpose of the Government, if it be ascertained that he testifies falsely, to prosecute him to the full extent of the law.

REVISED STATUTES OF THE UNITED STATES, TITLE LXX.—CRIMES.—CHAP.

4.

Sec. 5392. Every person who, having taken an oath before a competent tribunal, officer, or person, in any case in which a law of the United States authorizes an oath to be administered, that he will testify, declare, depose, or certify truly, or that any written testimony declaration, deposition, or certificate by him subscribed is true, willfully and contrary to such oath states or subscribes any material matter which he does not believe to be true, is guilty of perjury, and shall be punished by fine of not more than two thousand dollars, and by imprisonment, at hard labor, not more than five years; and shall, moreover, thereafter be incapable of giving testimony in any court of the United States until such time as the judgment against him is reversed. (See Sec. 1750.)

**Copy of Form of Notice for Publication upon Which
All Notices for Publication Hereinafter Re-
ferred to Were Made.**

(4—357.)

TIMBER LAND, ACT JUNE 3, 1878.—NOTICE
FOR PUBLICATION.

UNITED STATES LAND OFFICE,

.....
.....190....

Notice is hereby given that in compliance with the provisions of the act of Congress of June 3, 1878, entitled "An Act for the sale of timber lands in the States of California, Oregon, Nevada and Washington Territory," as extended to all the Public Land

States by act of August 4, 1892,, of
. county of, State (or Terri-
tory) of, has this day filed in this office
his sworn statement No. for the purchase of
the, of Section No. in Township
No., Range No., and will offer proof to
show that the land sought is more valuable for its
timber or stone than for agricultural purposes, and
to establish his claim to said land before the Register
and Receiver of this office at on,
the day of, 190

He names as witnesses:

. of
. of
. of
. of

Any and all persons claiming adversely the above
described lands are requested to file their claims
in this office or before said day of,
190

.,
Register.

This notice must be published once a week for ten
consecutive weeks in a newspaper published nearest
the land, and must also be posted in a conspicuous
place in the land office for the same period.

CERTIFICATE AS TO POSTING OF NOTICE.
UNITED STATES LAND OFFICE,

.
.190

1,, Register of the Land Office, certify
that the above notice was by me posted in a conspicu-

ous place in my office during the period of sixty (60) days and over, I having first posted the same on the day of, 190....

I further certify that there are no adverse claims to the land herein described known to this office.

.....,

Register.

State of Idaho,

County of,—ss.

....., being duly sworn, deposes and says that he is publisher of the, a newspaper published at, County, State of Idaho; that the said paper is in general circulation in the county aforesaid; that the advertisement, a copy of which is attached hereto, was published in the regular edition of the beginning with the issue of A. D. 190...., and ending with the issue of, A. D. 190....

.....,

Subscribed and sworn to before me, in and for the County of, State of Idaho, this day of, A. D. 190....

Notice of Publication,

Extract from Newspaper.

United States Land Office,

Boise, Idaho

I,, Register, do hereby certify that a notice, a printed copy of which is hereto attached, was by me posted in a conspicuous place in my office for a period of days, I having first posted said notice on the day of, 190....

.....,

Register.

**Copy of Questions Asked All Claimants and Entry-
men Hereinafter Referred to at Final Proof.**

4—370.

(The testimony of claimant and witnesses must be taken AT THE SAME TIME, and before the REGISTER or RECEIVER of the land district in which the land is situated.)

TIMBER AND STONE LANDS.

TESTIMONY OF CLAIMANT.

....., being called as a witness in support of his application to purchase the
.....
of Section, Township, of Range
testifies as follows:

QUESTION 1.—What is your age, post-office address, and where do you reside?

ANSWER.

QUES. 2.—Are you a *native born* citizen of the United States, and if so, in what State or Territory were you born?

ANS.

QUES. 3.—Are you the identical person who applied to purchase this land on the day of, 1...., and made the sworn statement assigned by law before the Register (or Receiver) on that day?

ANS.

QUES. 4.—Are you acquainted with the land above described by personal inspection of each of its smallest legal subdivisions?

ANS.

QUES. 5.—When and in what manner was such inspection made?

ANS.

QUES. 6.—Is the land occupied; or are there any improvements on it not made for ditch or canal purposes, or which were not made by or do not belong to you?

ANS.

QUES. 7.—Is the land fit for cultivation, or would it be fit for cultivation if the timber were removed?

ANS.

QUES. 8.—What is the situation of this land, and what is the nature of the soil, and what causes render the land unfit for cultivation?

QUES. 9.—Are there any salines, or indications of deposits of gold, silver, cinnabar, copper or coal on this land? If so, state what they are, and whether the springs or mineral deposits are valuable?

ANS.

QUES. 10.—Is the land more valuable for mineral or any other purposes than for the timber or stone thereon, or is it chiefly valuable for timber or stone?

ANS.

QUES. 11.—From what facts do you conclude that

the land is chiefly valuable for timber or stone?

ANS.

QUES. 12.—What is the estimated market value of the timber standing upon this land?

ANS.

In case the party is of foreign birth a certified transcript from the court records of his declaration of intention to become a citizen, or naturalization, or copy thereof, certified by the officer taking this proof, must be filed with the case.

QUES. 13.—Have you sold or transferred your claim to this land since making your sworn statement, or have you directly or indirectly made any agreement or contract, in any way or manner, with any person whomsoever, by which the title which you may acquire from the Government of the United States may inure, in whole or in part, to the benefit of any person except yourself?

ANS.

QUES. 14.—Do you make this entry in good faith for the appropriation of the land exclusively to your own use and not for the use or benefit for any other person?

ANS.

QUES. 15.—Has any other person than yourself, or has any firm, corporation, or association any interest in the entry you are now making or in the land, or in the timber thereon?

ANS.

.....

I HEREBY CERTIFY that the above named
 personally appeared before me; that I
 verily believe affiant to be the person he represents
 himself to be; and that each question and answer in
 the foregoing testimony was read to him in my pres-
 ence before he signed his name thereto, and that the
 same was subscribed and sworn to before me at
, this day of, 190.....

.....,
 Register (or Receiver)

NOTE.—Every person swearing falsely to the
 above deposition is guilty of perjury and will be
 punished as provided by law for such offense. In
 addition thereto, the money that may be paid for the
 lands is forfeited, and all conveyances of the land or
 of any right, title, or claim thereto are absolutely
 null and void as against the United States.

I HEREBY CERTIFY that I have tested the ac-
 curacy of affiant's information and the bona fides of
 this entry by a close and sufficient oral cross-exam-
 ination of the claimant and his witnesses, directed to
 ascertain whether the entry is made in good faith
 for the appropriation of the land to the entryman's
 own use and not for sale or speculation, and whether
 he has conveyed the land or his right thereto, or,
 agreed to make any such conveyance, or whether he
 has directly or indirectly entered into any contract
 or agreement in any manner with any person or per-
 sons whomsoever by which the title that may be ac-
 quired by the entry shall inure in whole or in part to
 the benefit of any person or persons except himself,
 and am satisfied from such examination that the

entry is made in good faith for entryman's own exclusive use and not for sale or speculation, nor in the interest nor for the benefit of any other person or persons, firm, or corporation.

.....
Register (or Receiver).
(Copy of Back)

4—370.

TIMBER LANDS.

Acts of June 3, 1878, and August 4, 1892.

TESTIMONY OF CLAIMANT.

LAND OFFICE AT

.....
Section.....
Township
Range

**Copy of Questions Asked Claimants and Entrymen
Hereinafter Referred to on Cross-examination
on Final Proof.**

TIMBER AND STONE LANDS.

CROSS-EXAMINATION OF CLAIMANT IN CONNECTION WITH DIRECT EXAMINA- TION ON FORM 4—370.

(Before taking the testimony the Register and Receiver will read, or cause to be read, to the witness, Section 2392 of the Revised Statutes, in regard to perjury—see bottom of page on Form 4-371—and see that witness understands same.)

Question 1. Are you an actual bona fide citizen of this State?

Question 2. Are you married or single?

Question 3. Where did you reside prior to becoming a resident of this State, and what was your occupation?

Question 4. How long have you been an actual resident of this State, and where have you lived during all of this time?

Question 5. What has been your occupation during the past year, and where and by whom have you been employed, and at what compensation?

Question 6. How did you first learn about this particular tract of land, and that it would be a good investment to buy it?

Question 7. Did you pay or agree to pay anything for this information? If so, to whom, and the amount?

Question 8. Have you made a personal examination of each smallest subdivision of said land? If so, state when and under what circumstances and with whom?

Question 9. How did you identify said land? Describe it fully.

(Cross-examination of Claimant —2—).

Question 10. How many thousand feet, board measure, of lumber did you estimate that there is on this entire tract, and what is the stumpage value of

same?

.....
Question 11. Are you a practical lumberman or woodsman? If not, how did you arrive at your estimate of the quantity and value of the lumber on the land?

.....
Question 12. What do you expect to do with this land and the lumber on it when you get title to it?

.....
Question 13. Do you know of any capitalist or company which is offering to purchase timber land in the vicinity of this entry? If so, who are they, and how did you know of them?.....

.....
Question 14. Has any person offered to purchase this land after you acquire title? If so, who, and for what amount?

.....
Question 15. Where is the nearest and best market for the timber on this land at the present time?.....

.....
Question 16. Did you pay, out of your own individual funds, all the expenses in connection with making this filing, and do you expect to pay for the land with your own money?

.....
Question 17. Where did you get the money with which to pay for this land, and how long have you

had the same in your actual possession?.....

.....

.....

Question 18. Have you kept a bank account during the past six months, and if so, where?

.....

In addition to the foregoing the officer before whom the proof is made will ask such questions as seem necessary to bring out all the facts in the case.

**Copy of Questions Asked Witnesses Hereinafter
Referred, at Final Proof.**

4—371.

(The testimony of two witnesses, in this form, taken separately, required in each case.)

**TESTIMONY OF WITNESS UNDER ACTS OF
JUNE 3, 1878, AND AUGUST 4, 1892.**

....., being called as a witness in support of
the application of.....

to purchase the.....

.....

.....

of Section, Township

of Range, testifies as follows:

QUESTION 1.—What is your age, post-office address, and where do you reside?

ANSWER.

QUES. 2.—Are you acquainted with the land above described by personal inspection of each of its smallest legal subdivisions?

ANS.

QUES. 3.—When and in what manner was such

inspection made?

ANS.

QUES. 4.—Is it occupied, or are there any improvements on it not made for ditch or canal purposes or which were not made by, or do not, belong to, the said applicant?

ANS.

QUES. 5.—Is it fit for cultivation?

ANS.

QUES. 6.—What causes render it unfit for cultivation?

ANS.

QUES. 1.—Are there any salines, or indications of deposits of gold, silver, cinnabar, copper, or coal on this land? If so, state what they are, and whether the springs or mineral deposits are valuable?

ANS.

QUES. 8.—Is the land more valuable for mineral or any other purposes than for the timber or stone thereon, or is it chiefly valuable for timber or stone?

ANS.

QUES. 9.—From what facts do you conclude that the land is chiefly valuable for timber or stone?

ANS.

QUES. 10.—Do you know whether the applicant has directly or indirectly made any agreement or contract, in any way or manner, with any person

whomsoever, by which the title which he may acquire from the Government of the United States may inure in whole or in part to the benefit of any person except himself?

ANS.

QUES. 11.—Are you in any way interested in this application, or in the lands above described, or the timber or stone, salines, mines, or improvements of any description whatever thereon?

ANS.

I hereby certify that each question and answer in the foregoing testimony was read to the witness before he signed name thereto, and that the same was subscribed and sworn to before me this day of, 190...

.....,

.....

NOTE.—The officer before whom the testimony is taken should call the attention of the witness to the following section of the Revised Statutes, and state to him that it is the purpose of the Government, if it be ascertained that he testifies falsely, to prosecute him to the full extent of the law.

TITLE LXX.—CRIMES.—CHAPTER 4.

SEC. 5392.—Every person who, having taken an oath before a competent tribunal, officer, or person, in any case in which a law of the United States authorizes an oath to be administered, that he will testify, declare, depose or certify truly, or that any written testimony, declaration, deposition or certificate by him subscribed is true, willfully, and

contrary to such oath, states and subscribes any material matter which he does not believe to be true, is guilty of perjury, and shall be punished by a fine of not more than two thousand dollars, and by imprisonment, at hard labor, not more than five years, and shall, moreover, thereafter be incapable of giving testimony in any court of the United States until such time as the judgment against him is reversed. (See Sec. 1750.)

(Copy of Back.)

4—371.

TIMBER LANDS.

Acts of June 3, 1878, and August 4, 1892.

TESTIMONY OF WITNESS.

LAND OFFICE AT

.....
Section
Township
Range

**Copy of Questions Asked Witnesses Hereinafter
Referred to on Cross-examination at Final
Proof.**

TIMBER AND STONE LANDS.

CROSS-EXAMINATION OF WITNESS IN CON-
NECTION WITH DIRECT EXAMINATION
ON FORM 4—371.

(Before taking the testimony the Register and Receiver will read, or cause to be read, to the witness, Section 2392 of the Revised Statutes, in regard to perjury—see bottom of page on Form 4—371

—and see that witness understands same.)

Question 1. Where is your actual place of residence, and how long have you been a resident of this State?

Question 2. Have you ever made a timber and stone filing or entry in this land office, and if so, when and for what land?.....

Question 3. Explain the circumstances under which you made a personal examination of this land. Describe the tract fully.

Question 4. What has been your occupation during the past six months?

Question 5. By whom have you been employed during the last six months?

Question 6. How long have you known the applicant?

Question 7. What is his financial condition so far as you know?

Question 8. Do you know, of your own knowledge, that the applicant has sufficient money of his own to pay for this land and hold it for six months without mortgaging it?

In addition to the foregoing the officer before whom the proof is made will ask such questions as seem necessary to bring out all the facts in the case.

**Copy of Form of Receiver's Receipt Hereinafter
Referred to.**

4—131.

RECEIVER'S OFFICE AT

NO.

....., 190..

RECEIVED from
of, County,, the sum of
..... dollars and cents; being in full
for the
..... quarter of Section No., in Township
No., of Range No., containing
acres and hundredths, at \$. per acre.
....., Receiver.

\$

\$ testimony fee received. Number of writ-
ten words, Rate per 100 words, cents.

**Copy of Form of Final Certificate Hereinafter
Referred to.**

4—189.

NO.

LAND OFFICE AT
....., 189..

IT IS HEREBY CERTIFIED that, in pursuance
of law,, residing at, in
..... County, State of, on this day pur-
chased of the Register of this Office the
.....
....., of Section No., in Township

No. of Range No. of the Principal Meridian, containing acres, at the rate of ~~dollars~~ and cents per acre, amounting to dollars and cents, for which the said has made payment in full as required by law.

NOW, THEREFORE, BE IT KNOWN that, on presentation of this certificate to the COMMISSIONER OF THE GENERAL LAND OFFICE, the said shall be entitled to receive a Patent for the lot above described.

., Register.

(Copy of Back of Register's Certificate.)

4—189.

No.

CASH ENTRY.

LAND OFFICE AT

.

Sec., Town,, Range.

Approved

By, Clerk.

Division

Patented

Recorded Vol., Page,

**Copy of Form of Patent Hereinafter Referred to
Upon Which All Patents Were Issued and Made.**

4—407-a-ty.

**THE UNITED STATES OF AMERICA, TO ALL
TO WHOM THESE PRESENTS SHALL
COME, GREETING:**

Certificate No.

WHEREAS deposited in the GENERAL LAND OFFICE of the United States, a Certificate of the Register of the Land Office at, whereby it appears that full payment has been made by the said, according to the provisions of the Act of Congress of the 24th of April, 1820, entitled "An Act making further provision for the sale of the Public Lands," and the acts supplemental thereto, for the..... according to the Official Plat of the Survey of the said lands, returned to the GENERAL LAND OFFICE by the Surveyor General, which said Tract has been purchased by the said

NOW KNOW YE, That the UNITED STATES OF AMERICA, in consideration of the premises, and in conformity with the several Acts of Congress in such case made and provided, HAVE GIVEN AND GRANTED, and by these presents DO GIVE AND GRANT, unto the said and to heirs, the said Tract above described; TO HAVE AND TO HOLD the same, together with all the rights, privileges, immunities, and appurtenances, of whatsoever nature, thereunto belonging, unto the said and to heirs and assigns forever; subject to any vested and accrued

water rights for mining, agricultural, manufacturing, or other purposes, and rights to ditches and reservoirs used in connection with such water rights, as may be recognized and acknowledged by the local customs, laws, and decisions of courts, and also subject to the right of the proprietor of a vein or lode to extract and remove his ore therefrom, should the same be found to penetrate or intersect the premises hereby granted, as provided by law; and there is reserved from the lands hereby granted, a right of way thereon for ditches or canals constructed by the authority of the United States.

In testimony whereof I,, President of the United States of America, have caused these letters to be made Patent, and the seal of the General Land Office to be hereunto affixed.

GIVEN under my hand, at the City of Washington, the . . . day of, in the year of our Lord one thousand nine hundred and, and of the Independence of the United States the one hundred and

By the President:,

By, Secretary,

.

Recorder of the General Land Office.

PATENT NUMBER.

Plaintiff's Exhibits Nos. 1, 2 and 3.

All Relating to the Application and Entry of Wm.
W. Abrams.

Plaintiff's Exhibit No. 1.

WILLIAM W. ABRAMS: Occupation, carpenter.

Sworn Statement, No. 258, dated and filed October,

30, 1901, for entry of Lots 3 and 4, Section 5, Tp. 7 North of Range 5 East, Boise Meridian, and South One-half of the Southwest Quarter of Section 32, Tp. 8 North of Range 5 East, Boise Meridian.

ANSWERS Given by W. W. Abrams, to Questions 16, 17 and 18, on Cross-examination, at Final Prof.

Answer to Ques. 16: Yes, sir. Yes, sir.

Answer to Ques. 17: Savings from my labor. Some I have had for several years. I collected \$200.00 yesterday on account of money loaned.

Answer to Ques. 18: No, sir—never had a bank account in my life. Keep my money in my own possession.

Receiver's Receipt, No. 1922, dated July 15, 1902.

Final Certificate, No. 1922, dated July 15, 1902.

Plaintiff's Exhibit No. 2.

Deed from W. W. Abrams, to A. E. Palmer; dated July, 16th, 1902; consideration \$1,000.00; acknowledged before L. M. Pritchard, Notary Public, and filed for record June 27th, 1904, at the request of W. E. Borah, Conveys land described in Exhibit No. 1.

Plaintiff's Exhibit No. 3.

Patent to William W. Abrams, dated May, 24th, 1904, for the land described in Exhibit No. 1.

Plaintiff's Exhibits Nos. 4, 5, 6, 7, and 8.

All Relating to the Application and Entry of Lewis K. Burns.

Plaintiff's Exhibit No. 4.

LEWIS K. BURNS: Residence, 624 S. 14th St., Boise, Idaho.

Sworn Statement No. 278, dated and filed Nov. 26th, 1901, for entry of Northwest Quarter of Section 24, Tp. 7 North of Range 5 East, Boise Meridian.

ANSWERS Given by Lewis K. Burns, to Questions 16, 17 and 18, on Cross-examination, at Final Proof.

Answer to Ques. 16: Yes, sir. Yes, sir.

Answer to Ques. 17: I sold my ranch—120 acres—at \$50 per acre last fall. Have had the money in my possession since then.

Answer to Ques. 18: Yes, sir, Bank of Commerce and Capital State Bank, Boise.

Receiver's receipt No. 1891, dated June 24, 1902. Final Certificate No. 1891, dated June 24, 1902.

Plaintiff's Exhibit No. 5.

Patent to Lewis K. Burns, dated January 28th, 1904, for the land described in Exhibit No. 4.

Plaintiff's Exhibit No. 6.

Deed from Lewis K. Burns, to A. E. Palmer; dated September 18th, 1902; consideration \$1,000; acknowledged before L. M. Pritchard, Notary Public, and filed for record, Feb. 17th, 1904, at the request of W. E. Borah. Conveys land described in Exhibit No. 4.

Plaintiff's Exhibit No. 7.

Affidavit of Publication. Witnesses named, William Pearson, Patrick H. Downs, Charles Nelson and John I. Wells.

Plaintiff's Exhibit No. 8.

Non-Mineral Affidavit, and Notice for Publication. Report of Register and Receiver.

Plaintiff's Exhibits Nos. 9A to 9E.

Plaintiff's Exhibit No. 9A.

LOUISA B. WEST: Residence, Boise, Idaho.

Sworn Statement No. 252, dated and filed Nov. 1, 1901, for entry of Northwest quarter of Section 23, Tp. 7 North of Range 5 East, Boise Meridian.

Plaintiff's Exhibit No. 9B.

ANSWERS Given by Louisa B. West, to Questions 16, 17 and 18, on Cross-examination, at Final Proof.

Answer to Ques. 16: Yes, sir. Yes, sir.

Answer to Ques. 17: I got it from my father's estate. I have had it loaned out, and have had it in my actual possession since Friday last.

Answer to Ques. 18: No, sir.

Plaintiff's Exhibit No. 9C.

Testimony of Louisa B. West, at Final Proof, dated January 29th, 1902.

Plaintiff's Exhibit No. 9D.

Final Certificates, No. 1940, dated July 18th, 1902.

Plaintiff's Exhibit No. 9E.

Receiver's Receipt No. 1940, dated July 18th, 1902.

NOTE.—The series of exhibits set out and referred to on page 21, viz: Exhibits numbered 9a to 9e inclusive, and each series of exhibits following relate to and are a part of a single and separate entry. Each exhibit is a part of the series of the Exhibit bearing the same numerical designation. The entry to which each series of exhibits relate is that of the entryman or entrywoman opposite whose name the

numerical designation of the Exhibit first appears, except the Exhibits in which it is otherwise specifically expressed, and except, also, the exhibits which are not a part of the Land Office files, such as letters, cruiser's estimates, checks, accounts, etc.

Plaintiff's Exhibits 10A to 10G.

Plaintiff's Exhibit No. 10A.

CHARLES W. BALENTINE: Residence, Boise, Idaho.

Sworn Statement, No. 256, dated and filed October, 29, 1901, for entry of Northeast quarter of Section 7, Tp. 7 North of Range 5 East, Boise Meridian.

Plaintiff's Exhibit No. 10B.

Testimony of Charles W. Balentine, at Final Proof, dated January, 22nd, 1902.

Plaintiff's Exhibit No. 10C.

ANSWERS Given by Charles W. Balentine, to Questions 16, 17 and 18, at Final Proof, on Cross-examination:

Answer to Ques. 16: Yes, sir. Yes, sir.

Answer to Ques. 17: Some, I have had for quite a while, savings from my labor, about \$300.00. I borrowed \$80. from my brother, and \$25.00 from the Capital State Bank, and collected several small accounts.

Answer to Ques. 18: No, sir. Kept my money home.

Plaintiff's Exhibit No. 10D.

Receiver's Receipt, No. 2466, dated July 16th, 1903.

Plaintiff's Exhibit No. 10E.

Final Certificate, No. 2466, dated July 16th, 1903.

Plaintiff's Exhibit No. 10F.

Patent to Charles W. Balentine, dated July, 26th 1904, for the land described in Exhibit 10A.

Plaintiff's Exhibit No. 10G.

Deed from Charles W. Balentine, to A. E. Palmer; dated August 31st, 1903, consideration ———; acknowledged before L. M. Pritchard, Notary Public and filed for record Aug. 18, 1904, at the request of W. E. Borah. Conveys land described in Exhibit No. 10A.

Plaintiff's Exhibits 16A to 16G.

Plaintiff's Exhibit No. 16A.

EDWARD BRISBIN: Occupation, Mining, Boise, Idaho.

Sworn Statement No. 360, dated and filed April 18, 1902, for entry of Lot 3, Southeast quarter of Northwest Quarter, North One-half of Southwest Quarter, Section 1, Tp. 7 North of Range 5 East, Boise Meridian.

Plaintiff's Exhibit No. 16B.

Testimony of Edward Brisbin, at Final Proof, dated July, 9th, 1902.

Plaintiff's Exhibit No. 16C.

ANSWERS Given by Edward Brisbin, to Questions 16, 17 and 18, on Cross-examination, at Final Proof.

Answer to Ques. 16: Yes, sir, every dollar of it, Yes, sir, I do.

Answer to Ques. 17: From Sales of mining claims and labor. I have had more than enough to make the purchase for two months.

Answer to Ques. 18: No, sir. I don't keep any money in no bank. I keep it hid.

Plaintiff's Exhibit No. 16D.

Receiver's Receipt, No. 1904, dated July 9, 1902.

Plaintiff's Exhibit No. 16E.

Final Receipt, No. 1904, dated July 9, 1902.

Plaintiff's Exhibit No. 16F.

Patent to Edward Brisbin, dated March 17th, 1904, for the land described in Exhibit No. 16A.

Plaintiff's Exhibit No. 16G.

Deed from Edward Brisbin to A. E. Palmer; dated July 12, 1902; consideration \$1,000.00; acknowledged before L. M. Pritchard, Notary Public, and filed for record June 27th, 1904, at the request of W. F. Borah. Conveys land described in Exhibit No. 16A.

Plaintiff's Exhibits Nos. 17A to 17G.

Plaintiff's Exhibit No. 17A.

LOUIS NIBLER: Occupation, Laborer; Residence, Boise, Idaho.

Sworn Statement, No. 261, dated and filed Nov. 1, 1901, for entry of Southeast quarter of Section 23, Tp. 7 North of Range 5 East, Boise Meridian.

Plaintiff's Exhibit No. 17B.

ANSWERS Given by Louis Nibler, to Questions 16, 17 and 18, on Cross-examination, at Final Proof.

Answer to Ques. 16: Yes, sir, yes, sir.

Answer to Ques. 17: I worked hard for it, and have had it for a year.

Answer to Ques. 18: No, sir.

Plaintiff's Exhibit No. 17C.

Testimony of Louis Nibler, at Final Proof, dated January, 28th, 1902.

Plaintiff's Exhibit No. 17D.

Receiver's Receipt, No. 2012, dated August 6th, 1902.

Plaintiff's Exhibit No. 17E.

Final Certificate No. 2012, dated August 6th, 1902.

Plaintiff's Exhibit No. 17F.

Patent to Louis Nibler, dated Feb. 1st, 1904, for land described in Exhibit 17A.

Plaintiff's Exhibit No. 17G.

Deed from Louis Nibler to A. E. Palmer; dated August 7, 1902; consideration, \$1,000.00; acknowledged before L. M. Pritchard, Notary Public, and filed for record June 27th, 1904, at the request of W. E. Borah. Conveys land described in Exhibit No. 17A.

Plaintiff's Exhibit Nos. 18A to 18K.

Plaintiff's Exhibit No. 18A.

JOHN M. NEIL: Residence, Boise Idaho.

Sworn Statement, No. 588, dated and filed September 15, 1902, for entry of North one-half of the North east quarter, and North half of the Northwest quarter of Section 25, Tp. 7 North of Range 8 east, Boise Meridian.

Plaintiff's Exhibit No. 18B.

Testimony of John M. Neil, at Final Proof, dated December, 17th, 1902.

Plaintiff's Exhibit No. 18C.

ANSWERS Given by John M. Neil to Questions 16, 17, and 18, on Cross-examination, at Final Proof.

Answer to Ques. 16: Yes.

Answer to Ques. 17: I borrowed the amount necessary from Bank of Commerce on my personal note.

Answer to Ques. 18: Yes. Bank of Commerce, Boise.

Plaintiff's Exhibit No. 18D.

Final Certificate, No. 2218, dated December, 17th, 1902, for land in Exhibit 18A.

Plaintiff's Exhibit No. 18E.

Receiver's Receipt, No. 2218, dated December, 17th, 1902, for land in Exhibit No. 18A.

Plaintiff's Exhibit No. 18F.

Maud Pitman Neil, Receiver's Certificate No. 2219, December 17th, 1902, for land described in Exhibit 18 I.

Plaintiff's Exhibit No. 18G.

Maud Pitman Neil, Receiver's Receipt No. 2219, dated December, 17th, 1902, for land described in Exhibit 18 I.

Plaintiff's Exhibit No. 18H.

Deed from John M. Neil, and Maud Pitman Neil, his wife, to Horace S. Rand; consideration \$1,600.00; dated Feb. 11th, 1903; acknowledged before L. M. Pritchard, Notary Public; conveys also property described in Exhibits No. 18A and 18 I.

Plaintiff's Exhibit No. 18 I.

MAUD PITMAN NEIL, Deceased.

Sworn Statement of Maud Pitman Neil, dated and filed Sept. 15th, 1902, Boise, Idaho, for entry of Lots, 1, 2, and South one-half of North East quarter of Section 4, Tp. 7 North of Range 8 East, Boise Meridian.

Plaintiff's Exhibit No. 18J.

ANSWERS Given by Maud Pitman Neil, to Questions 16, 17 and 18, on Cross-examination at Final Proof.

Answer to Ques. 16: Yes, my husband gave me the money with which to pay for the land, and all expenses.

Answer to Ques. 17: I got the money from my husband. He earned same in his business.

Answer to Ques. 18: No.

Plaintiff's Exhibit No. 18K.

Testimony of Maud Pitman Neil, at Final Proof, dated December 17th, 1902.

Plaintiff's Exhibits Nos. 19A to 19G.

(Record shows offer of 19H, but no Exhibit of that number.)

Plaintiff's Exhibit No. 19A.

SAMUEL GREIG: Occupation, Painter; Residence, Boise, Idaho.

Sworn Statement No. 287, dated and filed December 7, 1901, for entry of Lot 4, Section 1, Lots 1, 2 and 3, Section 2, Tp. 7 North of Range 5 East, Boise Meridian.

Plaintiff's Exhibit No. 19B.

Testimony of Samuel Greig, at Final Proof, dated February 21st, 1902.

Plaintiff's Exhibit No. 19C.

ANSWERS Given by Samuel Greig, to Questions 16, 17, and 18, on Cross-examination at Final Proof.

Answer to Ques. 16: Yes, sir; yes, sir.

Answer to Ques. 17: I saved it from my earnings, brought some of it from the old country—close to \$200.00, about four months, the whole of it.

Answer to Ques. 18: No. I keep it in the house, I haven't been here long enough to get acquainted with the bank.

Plaintiff's Exhibit No. 19D.

Receiver's Receipt No. 1895, dated July 1, 1902.

Plaintiff's Exhibit No. 19E.

Final Certificate, No. 1895, dated July 1, 1902.

Plaintiff's Exhibit No. 19F.

Patent, To Samuel Greig for land in Exhibit No. 19A, dated Jan 28, 1904.

Plaintiff's Exhibit No. 19G.

Deed from Samuel Greig and wife, Sarah Greig, dated March 24, 1903, to A. E. Palmer; consideration \$1,000.00; acknowledged before L. M. Pritchard, Notary Public; conveys South One-half of Northwest quarter, and South One-half of Northeast quarter, of Section 2, Tp. 7 North of Range 5 East, Boise Meridian, also land described in Exhibit No. 19A.

Plaintiff's Exhibits Nos. 20A to 20H.

Plaintiff's Exhibit No. 20A.

SARAH GREIG: Residence, Boise, Idaho:

Sworn statement, No. 288, dated and filed December 7th, 1901, for entry of South One-half of the Northwest quarter and South One-half of the Northeast quarter, of Section 2, Tp. 7 North, Range 5 East, Boise Meridian.

Plaintiff's Exhibit No. 20B.

Testimony of Sarah Greig, at Final Proof, dated February 21st, 1902.

Plaintiff's Exhibit No. 20C.

ANSWERS Given by Sarah Greig to Questions 16, 17 and 18, on Cross-examination, at Final Proof.

Answer to Ques. 16: Yes, sir. Yes, sir.

Answer to Ques. 17: I worked for it myself, before I was married. Over six years.

Answer to Ques. 18: I have kept it home here. I used to loan it out at home in Scotland.

Plaintiff's Exhibit No. 20D.

Receiver's Receipt No. 1896, dated July 1, 1902.

Plaintiff's Exhibit No. 20E.

Final Certificate, No. 1896, dated July 1, 1902.

Plaintiff's Exhibit Nos. 20F to 20G.

Final Proof, Witness, John I. Wells.

Plaintiff's Exhibit No. 20H.

Patent to Sarah Greig, dated Jan. 28, 1904, to property described in Exhibit No. 20A.

Plaintiff's Exhibits Nos. 21A to 21T.**Plaintiff's Exhibit No. 21A.**

CLIFTON C. BLIVEN: Occupation, Carpenter; Residence, Boise, Idaho.

Sworn Statement, No. 594, dated and filed Sept. 16th, 1902, for entry of East One-half of the North-east quarter, North One-half of the Southeast quarter, Section 24, Tp. 7 North of Range 7 East, Boise Meridian.

Plaintiff's Exhibit No. 21B.

ANSWERS Given by Clifton C. Bliven, to Questions 16, 17, and 18, on Cross-examination, at Final Proof.

Answer to Ques. 16: I did, I do.

Answer to Ques. 17: From my work; since the first of the month, I have had all of it. Some for six months.

Answer to Ques. 18: Yes. Capital State Bank, Boise.

Plaintiff's Exhibit No. 21C.

Testimony of Clifton C. Bliven, at Final Proof; dated April 17th, 1903.

Plaintiff's Exhibit No. 21D.

Receiver's Receipt, No. 2401, dated April 29, 1903.

Plaintiff's Exhibit No. 21E.

Final Certificate No. 2401, dated April 29, 1903.

Plaintiff's Exhibit No. 21F.

Affidavit for extension of time.

“In the United States Land Office, Boise, Idaho.

State of Idaho,

County of Ada,—ss.

CLIFTON C. BLIVEN, being first duly sworn, deposes and says: That on the 16th day of September, 1903, he made sworn statement No. 594, in accordance with the provisions of an Act for the sale of timber lands in the States of California, Oregon, Nevada, and Washington Territory, as extended to all the public land States by the Act of August 4th, 1892, for the East $\frac{1}{2}$ of the Northeast $\frac{1}{4}$, and the North $\frac{1}{2}$ of the Southeast $\frac{1}{4}$, of Section 24, Township 7 North, Range 7 East, B. M.; that the 14th day of January, 1903, was the day set upon which affiant should make his final proof and pay for said land, and that ten days additional time is allowed within which to make said final proof, which said ten days additional time expires this day; that affiant is a carpenter and builder, and works at his trade in Boise, Ada County, Idaho; that affiant has building contracts which he expected to complete before the date set for final proof herein, and thus have sufficient means to pay for said land; that he is unable to procure any money upon said contracts until the same are finally completed; that on account of the inclement weather and the scarcity of building material, affiant has been unable to complete the aforesaid contracts up to this time, and affiant has no money with which to pay for said land, or property upon which he could raise money for that purpose, and has to depend entirely upon his labor to obtain

money; that said filing was made in good faith, and for affiant's own personal use and benefit, and not for the use or benefit of any other person, or in the interest of any person except himself; that if an additional sixty days' time is given affiant within which to make final proof upon said entry, affiant will be able to complete his contracts and receive payment thereon, and thus be enabled financially to make final proof and pay for said land; that unless such additional time is granted affiant within which to make said final proof, it will work a great hardship upon affiant, as he has no means whatever of raising money except as above.

Wherefore, Affiant respectfully asks that he be granted sixty days' additional time within which to make said proof, and affiant will ever pray.

CLIFTON C. BLIVEN.

Subscribed and sworn to before me this 24th day of January, A. D. 1903.

[Seal]

G. G. ADAMS,

Notary Public.

"State of Idaho,
County of Ada,—ss.

Henry Rics being first duly sworn, deposes and says: That he has read the above and foregoing affidavit of Clifton C. Bliven, and knows the contents thereof, and is familiar with the facts therein stated, and knows the same to be true of his own knowledge.

Further affiant saith not.

HENRY RICS.

Subscribed and sworn to before me this 24th day
of January, 1903.

[Seal]

G. G. ADAMS,
Notary Public."

"Filed, Feb. 20, 1909. A. L. Richardson, Clerk."

Plaintiff's Exhibit No. 21G.

Missing.

Plaintiff's Exhibit No. 21H.

Testimony of Patrick H. Downs, on final proof.

Plaintiff's Exhibit No. 21I.

Cross-examination of Patrick H. Downs, on final
proof.

Plaintiff's Exhibit No. 21J.

Frank R. McDonald, cross-examination of, at final
proof.

Plaintiff's Exhibit No. 21K.

Testimony of Frank R. McDonald, at final proof.

Plaintiff's Exhibit No. 21L.

Cross-examination of Frank R. McDonald at final
proof.

Plaintiff's Exhibit No. 21M.

Testimony of Frank R. McDonald, at final proof.

Plaintiff's Exhibit No. 21N.

Cross-examination of witness, Andrew Hansen, at
final proof.

Plaintiff's Exhibit No. 21 O.

Testimony of Andrew Hansen, witness, at final
proof.

Plaintiff's Exhibit No. 21P.

Affidavit, re-publication, witnesses named, John W. Rose, Andrew Hansen, Frank McDonald and Patrick Downs.

Plaintiff's Exhibit No. 21Q.

Notice for re-publication.

Plaintiff's Exhibit No. 21R.

Notice—Publication.

Plaintiff's Exhibit No. 21S.

Non-mineral affidavit.

Plaintiff's Exhibit No. 21T.

Deed from Clifton C. Bliven and wife, to Horace S. Rand, dated April 13, 1903; consideration, \$800.-00; acknowledged before L. M. Pritchard, Notary Public. Filed for record at request of W. E. Borah, July, 1st, 1904.

Plaintiff's Exhibits Nos. 22A to 22Q.**Plaintiff's Exhibit No. 22A.**

MAC K GILLUM: Occupation, Painter; Residence, Boise, Idaho.

Sworn Statement, No. 312, dated and filed December 26, 1901, for entry of North East quarter of Section 26, T. 8 North of Range 5 east, Boise Meridian.

Plaintiff's Exhibit No. 22B.

Testimony of Mack Gillum, at Final Proof, dated March 18th, 1902.

Plaintiff's Exhibit No. 22C.

ANSWERS Given by Mack Gillum, to Questions 16, 17 and 18, on Cross-examination, at Final Proof:
Answer to Ques. 16: I do. Yes, sir.

Answer to Ques. 17: I got it from my sheep when I sold them. I sold some sheep about 2 years ago, and got \$800 of the money about a week or so ago. Since Feb. 24, 1902.

Answer to Ques. 18: No, sir. I have not. I kept my money in my own possession.

Plaintiff's Exhibit No. 22D.

Receiver's Receipt, No. 1983, dated July 29th, 1902.

Plaintiff's Exhibit No. 22E.

Final Certificate No. 1983, dated July 29th, 1902.

Plaintiff's Exhibit No. 22F.

Cross-examination of Wilburt F. Wilmot, on final proof.

Plaintiff's Exhibit No. 22G.

Testimony of Wilbert F. Wilmot, on final proof.

Plaintiff's Exhibit No. 22H.

REPORT OF REGISTER AND RECEIVER.

“DEPARTMENT OF THE INTERIOR,

U. S. Land Office,

Boise, Idaho, March 18, 1902.

In re Timber and Stone Sworn Statement No. 312,
of Mack Gillum, for NE. $\frac{1}{4}$, Sec. 26, Tp. 8 N.,
R. 5 E.

REPORT OF REGISTER AND RECEIVER.

Final proof in this case was offered this day and the testimony of claimant and witnesses taken. Final certificate and receipt were not issued, per letter ‘P’ of July 13, 1901.

Pursuant to the instructions contained in said

letter, we have the honor to report that the regulations relative to the manner of taking such proof were carefully followed in this case; that the questions propounded to the claimant and witnesses were explained fully when necessary; that we are satisfied the answers were made understandingly; that section 5392 of the Revised Statutes was read to the claimant and witnesses.

The land applied for is located in Boise Basin on Grimes Creek, a tributary of the Boise river.

From the evidence before us, the applicant appears to be offering the entry as a personal investment. The conduct and bearing of the parties were straightforward. We believe the application to be within the law and regulations, and that it should therefore be allowed.

JAMES KING,

Register,

EDWARD E. GARRETT,

Receiver."

Plaintiff's Exhibit No. 22 I.

Cross-examination of John I. Wells, witness, on final proof.

Plaintiff's Exhibit No. 22J.

Testimony of witness, John I. Wells, on final proof.

Plaintiff's Exhibit No. 22K.

Notice for Publication; witnesses named, Mart Stephenson, W. F. Wilmot, John Wells and Patrick H. Downs.

Plaintiff's Exhibit No. 22L.

Non-mineral affidavit.

Plaintiff's Exhibit No. 22M.

Missing.

Plaintiff's Exhibit No. 22N.

Deed from Mack Gillum and wife, Altha, to A. E. Palmer; consideration \$2,000.00, dated July, 31st, 1902, acknowledged before L. M. Pritchard, Notary Public, and filed for record June 27th, 1904, at the request of W. E. Borah.

This conveys property in Exhibit No. 22A, and South One-half of the Northwest quarter, and South Half of the Northeast quarter of Section 25, Township 8 North of Range 5 East, Boise Meridian.

Plaintiff's Exhibit No. 22O.

Affidavit of publication.

Plaintiff's Exhibit No. 22P.

Affidavit, Register and Receiver.

Plaintiff's Exhibit No. 22Q.

Patent to Mack Gillum, for land described in Exhibit No. 22A, dated February 1st, 1904.

Plaintiff's Exhibits Nos. 23A to 23M.

Plaintiff's Exhibit No. 23A.

HARRY S. WORTHMAN: Occupation, Attorney at Law.

Sworn Statement, No. 355, dated and filed April 5th, 1902, for entry of West One-half of the Southwest quarter, Northeast quarter of the Southwest quarter, and Northwest quarter of the southeast

quarter, Section 29, T. 6 North of Range 6 East, Boise Meridian.

Plaintiff's Exhibit No. 23B.

Notice for publication: witnesses, Walter S. Walker, Patrick H. Downs, John I. Wells, J. A. Lipincott.

Plaintiff's Exhibit No. 23C.

Receiver's Receipt, No. 1878, dated June 19, 1902.

Plaintiff's Exhibit No. 23D.

Final Certificate, No. 1878, dated June 19, 1902.

Plaintiff's Exhibit No. 23E.

Deed from Harry S. Worthman, to A. E. Palmer, dated March 16, 1903; consideration, \$1,000, acknowledged before Walter S. Walker, Notary Public, and filed for record February 18th, 1904, at the request of W. E. Borah. Conveys land described in Exhibit No. 23A.

Plaintiff's Exhibit No. 23F.

Cross-examination of witness, Walter S. Walker, on final proof.

Plaintiff's Exhibit No. 23G.

Testimony of witness, Walter S. Walker, on final proof.

Plaintiff's Exhibit No. 23H.

Non-mineral Affidavit of Harry S. Worthman.

Plaintiff's Exhibit No. 23I.

Cross-examination of witness, Patrick H. Downs, on final proof.

Plaintiff's Exhibit No. 23J.

Testimony of witness, Patrick H. Downs, on final proof.

Plaintiff's Exhibit No. 23K.

ANSWERS Given by Harry S. Worthman to Questions 16, 17, and 18, on Cross-examination at Final Proof.

Answer to Ques. 16: I have. I do.

Answer to Ques. 17: In the course of my law business. I have had \$600.00 in the Bank for past year, off and on.

Answer to Ques. 18: Yes. Bank of Commerce.

Plaintiff's Exhibit No. 23L.

Testimony of Harry S. Worthman, on final proof, dated June 19th, 1902.

Plaintiff's Exhibit No. 23M.

Affidavit of Publication.

Plaintiff's Exhibits Nos. 23A-1 to 23A-16.

Letters of Wm. Sweet, to Harry S. Worthman. Copy all in record.

Plaintiff's Exhibits Nos. 23B-1 to 23B-2.

Plaintiff's Exhibit No. 23B-1.

Receipt for Sweet and Steunenber contract.

“Boise, Idaho, June 9th, 1903.

Received of Harry S. Worthman, Attorney, a certain escrow and contract, running from William Sweet to Frank Steunenber, conditioned for the payment of Four Thousand Dollars, by said Steunenber within eight months from May 1st, when said

contract is to be delivered to said Steunenbergl, or, if such payment is not made within said time, said contract is to be redelivered to said Sweet.

R. McAFEE."

Plaintiff's Exhibit No. 23B-2.

Copy Contract between Sweet and Steunenbergl.

"ARTICLES OF COPARTNERSHIP MADE AND ENTERED INTO THIS TENTH DAY OF FEBRUARY, 1902, BETWEEN FRANK STEUNENBERG, OF CALDWELL, IDAHO, AND WILLIAM SWEET, OF BOISE, IDAHO.

The said parties above named have agreed, and by these presents do agree to become copartners in business, as Steunenbergl & Sweet, in acquiring, holding, selling timber lands in Boise County, Idaho, and doing all matters in connection with the owning, holding, selling and managing timber business in said County, which they may deem desirable, their copartnership to commence from the tenth day of February, 1902, and it is agreed that there has already been invested in said business the sum of nineteen Thousand Seven Hundred Dollars (\$19,700), of which amount William Sweet has invested personally Twelve Thousand Two Hundred Dollars (\$12,200), and Steunenbergl & Sweet jointly, Seven Thousand Five Hundred Dollars (\$7,500).

It is further agreed that the copartnership firm shall pay to William Sweet, out of the money realized from the business, the said sum of Twelve Thousand Two Hundred Dollars (\$12,200) with interest

thereon at the rate of six per cent from the date of this contract.

It is further agreed that the interest of each of said partners is an equal interest and that this contract covers all timber lands hereafter acquired by either of the parties to the contract, and that they shall share the profits and losses share and share alike and be equal partners in the entire business.

IN WITNESS WHEREOF, The parties have hereunto set their hands and seals the day and year first above written.

FRANK STEUNENBERG. (Seal)

WM. SWEET. (Seal)''

Plaintiff's Exhibits Nos. 24A to 24K.

Plaintiff's Exhibit No. 24A.

WILLIAM H. GIBBERD: Occupation, Superintendent; Residence, Boise, Idaho.

Sworn statement No. ———, dated and filed August 29th, 1902, for entry of East One-half of the Northwest quarter, Southwest quarter of the Northwest quarter, Northeast quarter of the southwest quarter, section 12, T. 7 North of Range 7 East, Boise Meridian.

Plaintiff's Exhibit No. 24B.

Affidavit of Publication.

Plaintiff's Exhibit No. 24C.

ANSWERS Given by Wm. H. Gibberd, to Questions 16, 17 and 18, on Cross-examination, at Final Proof.

Answer to Ques. 16: Yes.

Answer to Ques. 17: It is my own personal earn-

ings. Have had same over a year, and on deposit at interest, 6 months.

Answer to Ques. 18: Yes, Capital State Bank, Boise, Idaho.

Plaintiff's Exhibit No. 24D.

Testimony of Wm. H. Gibberd, given on final proof, dated December 3, 1902.

Plaintiff's Exhibit No. 24E.

Notice for Publication; witnesses, J. A. Youngkin, Elof Anderson, J. I. Wells, and Emma H. Anderson.

Plaintiff's Exhibit No. 24F.

Testimony of witness, John A. Youngkin, on final proof.

Plaintiff's Exhibit No. 24G.

Testimony of witness, Elof Anderson, on final proof.

Plaintiff's Exhibit No. 24H.

Receiver's receipt, No. 2187, dated December, 3, 1902.

Plaintiff's Exhibit No. 24I.

Final Certificate No. 2187, December 3, 1902.

Plaintiff's Exhibit No. 24J.

Deed from Wm. H. Gibberd, and wife, Addie G. Gibberd, to Horace S. Rand, dated Feb. 12, 1903; consideration, \$800.00, acknowledged before Walter S. Walker, Notary Public, and filed for record June 23, 1905, at the request of Wm. E. Borah. Conveys land described in Exhibit No. 24A.

Plaintiff's Exhibit No. 24K.

Missing.

Plaintiff's Exhibits Nos. 25A to 25L.

Plaintiff's Exhibit No. 25A.

ADDIE G. GIBBERD:

Sworn Statement No. ———, dated and filed Sept. 8, 1902, for entry of Lots 3 and 4, and South One-half of the Northwest Quarter, of Section 2, Tp. 7 North of Range 7 East, Boise Meridian.

Plaintiff's Exhibit No. 25B.

ANSWERS Given by Addie G. Gibberd, to Questions 16, 17 and 18, on Cross-examination, at Final Proof.

Answer to Ques. 16: I did, and I do.

Answer to Ques. 17: My husband gave it to me. It has been with my husband's money I have money of my own, Mr. Gibberd uses it, it has been treated as a common fund. Mr. Gibberd is Supt. of the Settlers' Canal.

Answer to Ques. 18: No, Mr. Gibbert has our funds in the Capital State Bank.

Plaintiff's Exhibit No. 25C.

Testimony of Addie G. Gibberd, given on final proof, dated December 23d, 1902.

Plaintiff's Exhibit No. 25D.

Receiver's receipt No. 2238, dated December 23, 1902.

Plaintiff's Exhibit No. 25E.

Final Certificate No. 2238, dated December 23, 1902.

Plaintiff's Exhibit No. 25F.

Affidavit of Publication.

Plaintiff's Exhibit No. 25G.

Notice for Publication; witnesses for final proof, John A. Youngkin, Adam Ormsbey, E. H. Starn, Susie A. Youngkin.

Plaintiff's Exhibit No. 25H.

Non-mineral Affidavit of Addie G. Gibberd.

Plaintiff's Exhibit No. 25I.

Testimony of witness, Susie A. Youngkin, on final proof.

Plaintiff's Exhibit No. 25J.

Testimony of witness, John A. Youngkin, on final proof.

Plaintiff's Exhibit No. 25L.

Deed from Addie G. Gibberd and Wm. H. Gibberd, to Horace S. Rand; dated February 12, 1903; consideration \$800.00; acknowledged before Walter S. Walker, Notary Public, and filed for record at the request of W. E. Borah, June 23, 1904. Conveys land described in Exhibit' No. 25A.

Plaintiff's Exhibits Nos. 26A to 26S.**Plaintiff's Exhibit No. 26A.**

JAMES O. BAKER: Occupation, Teamster; Residence, Boise, Idaho.

Sworn Statement, No. 306, dated and filed December 24, 1901, for entry of Southeast quarter of Section 25, Tp. 7 North, Range 5 East, Boise, Meridian.

Plaintiff's Exhibit No. 26B.

Cross-examination of witness, Martin S. Stephenson, on final proof.

Plaintiff's Exhibit No. 26C.

Testimony of witness, Martin S. Stephenson, on final proof.

Plaintiff's Exhibit No. 26D.

Cross-examination of witness, Arthur E. Brookhart, on final proof.

Plaintiff's Exhibit No. 26E.

Affidavit of witness, Arthur E. Brookhart, Correction of name.

Plaintiff's Exhibit No. 26F.

Testimony of witness, Arthur E. Brookhart, on final proof.

Plaintiff's Exhibit No. 26G.

ANSWERS of James O. Baker to Questions 16, 17 and 18, on cross-examination, at Final Proof.

Answer to Ques. 16: I did; yes, sir.

Answer to Ques. 17: Out of my last two years labor. Most of it for past 4 months, \$120 of it, the 18th inst.

Answer to Ques. 18: No, sir, I never did keep a bank account.

Plaintiff's Exhibit No. 26H.

Testimony of James O. Baker, on final proof, dated March 20th, 1902.

Plaintiff's Exhibit No. 26I.

Missing.

Plaintiff's Exhibit No. 26J.

Report of Register and Receiver, clear listing entry.

“DEPARTMENT OF THE INTERIOR,
U. S. LAND OFFICE,

Boise, Idaho, March 20, 1902.

In re Timber and Stone Sworn
Statement No. 306, of James
O. Baker, for SE $\frac{1}{4}$, Sec. 25,
Tp 7 N, R 5 E.

REPORT OF REGISTER AND RECEIVER.

Final proof in this case was offered this day and the testimony of claimant and witnesses taken. Final certificate and receipt were not issued, per letter ‘P’ of July 13, 1901.

Pursuant to the instructions contained in said letter, we have the honor to report that the regulations relative to the manner of taking such proof were carefully followed in this case; that the questions propounded to the claimant and witnesses were explained fully when necessary; that we are satisfied the answers were made understandingly; that section 5392 of the Revised Statutes was read to the claimant and witnesses.

The land applied for is located in Boise Basin on Elk creek, a tributary of the Boise river.

From the evidence before us, the applicant appears to be offering the entry as a personal investment. The conduct and bearing of the parties were straightforward. We believe the application to be

within the law and regulations and that it should therefore be allowed.

JAMES KING,

Register.

EDWARD E. GARRETT,

Receiver.

Filed Feb. 23, 1909. A. L. Richardson, Clerk.

Plaintiff's Exhibit No. 26K.

Affidavit of Publication.

Plaintiff's Exhibit No. 26L.

Certificate of Register and Receiver as to discrepancy between dates of proof and receiver's Receipt and Register's certificate.

Plaintiff's Exhibit No. 26M.

Receiver's receipt No. 1958, dated July 22, 1902.

Plaintiff's Exhibit No. 26N.

Final Certificate No. 1958, dated July 22, 1902.

Plaintiff's Exhibit No. 26O.

Notice for Publication; witnesses named, Arthur Brookhart, Fred McBurney, Martin S. Stephenson, Lettie Stephenson.

Plaintiff's Exhibit No. 26P.

Certificate of Register and Receiver extending time for final proof.

Plaintiff's Exhibit No. 26Q.

Affidavit of James O. Baker, reasons for asking extension of time for final proof.

“DEPARTMENT OF THE INTERIOR,
UNITED STATES LAND OFFICE,

Boise, Idaho, March 20, 1902.

James O. Baker, being first duly sworn, deposes and says that he is the identical James O. Baker who made Timber and Stone Statement No. 306, at this office December 24, 1901, for SE $\frac{1}{4}$, Sec. 25, Tp. 7 N, R. 5 E; that he was unable to appear and make proof on said Sworn Statement on the 14th day of March, 1902, the day advertised for final proof thereon, nor on any of the subsequent days, until this 20th day of March, 1902, because the money with which he intended to make payment for said land was some of it loaned out and some of it in the form of time checks, and he could not secure the same until this 20th day of March, 1902.

(Signed) JAMES O. BAKER.

Subscribed and sworn to before me this 20th day of March, 1902.

(Signed) EDWARD E. GARRETT,

Receiver.”

Plaintiff's Exhibit No. 26R.

Non-Mineral Affidavit of Jas. O. Baker.

Plaintiff's Exhibit No. 26S.

Deed from James O. Baker and wife, to A. E. Palmer; dated July 7th, 1904; consideration, \$1,000.00; acknowledged before L. M. Pritchard, and filed for record July 30th, 1904, at the request of W. E. Borah. Conveys land described in Exhibit No. 26A.

Plaintiff's Exhibits Nos. 27A to 27N.

Plaintiff's Exhibit No. 27A.

ELOF ANDERSON: Occupation, Tailor; Residence, Boise, Idaho.

Sworn Statement No. ——— dated and filed August 29th, 1902, for entry of Southeast quarter of Section 12, Tp. 7 North of Range 7 East, Boise Meridian.

Plaintiff's Exhibit No. 27B.

EXAMINATION of Patrick H. Downs, before Receiver.

Plaintiff's Exhibit No. 27C.

Examination of Elof Anderson before Receiver.

Plaintiff's Exhibit No. 27D.

Naturalization papers of Elof Anderson.

Plaintiff's Exhibit No. 27E.

Non-mineral affidavit of Elof Anderson.

Plaintiff's Exhibit No. 27F.

Final Certificate No. 2199, dated December 8th, 1902.

Plaintiff's Exhibit No. 27G.

Receiver's Receipt No. 2199, dated December 8th, 1902.

Plaintiff's Exhibit No. 27H.

Affidavit of Publication.

Plaintiff's Exhibit No. 27I.

Notice for Publication; witnesses named for final proof, Wm. H. Gibberd, John A. Youngkin, Emma M. Anderson, Patrick H. Downs.

Plaintiff's Exhibit No. 27J.

ANSWERS Given by Elof Anderson to Questions 16, 17, and 18, on Cross-examination at Final Proof.

Answer to Ques. 16: Yes.

Answer to Ques. 17: I get the money from my business. Have had that amount for a number of years.

Answer to Ques. 18: Yes. Bank of Commerce, Boise, Idaho.

Plaintiff's Exhibit No. 27K.

Testimony of Elof Anderson, at final proof, dated December 8th, 1902.

Plaintiff's Exhibit No. 27L.

Testimony of witness, Patrick H. Downs, at final proof.

Plaintiff's Exhibit No. 27M.

Testimony of witness, Wm. H. Gibberd at final proof.

Plaintiff's Exhibit No. 27N.

Deed from Elof Anderson and wife, Emma Anderson, dated February 11th, 1903, to Horace S. Rand; consideration, \$1,600.00; acknowledged before L. M. Pritchard, Notary Public, and filed for record at the request of W. E. Borah, June 23, 1904. Conveying land described in Exhibit 27A, and Exhibit 28A.

Plaintiff's Exhibits Nos. 28A to 28N.**Plaintiff's Exhibit No. 28A.**

EMMA M. ANDERSON: Wife of Elof Anderson: Residence, Boise, Idaho.

Sworn Statement No. ———, dated and filed August 29th, 1902, for entry of Lots 1, 2 and 3, 4, Section 1, Tp. 7 North of Range 7 East, Boise Meridian.

Plaintiff's Exhibit No. 28B.

Testimony of Emma M. Anderson, on final proof, dated December 8th, 1902.

Plaintiff's Exhibit No. 28C.

Testimony of witness, Patrick H. Downs, on final proof.

Plaintiff's Exhibit No. 28D.

Testimony of witness, Wm. H. Gibberd, on final proof.

Plaintiff's Exhibit No. 28E.

Non-mineral affidavit of Emma M. Anderson.

Plaintiff's Exhibit No. 28F.

Affidavit of Emma M. Anderson of marriage to Elof Anderson.

Plaintiff's Exhibit No. 28G.

Naturalization Certificate of Elof Anderson.

Plaintiff's Exhibit No. 28H.

Affidavit of Publication.

Plaintiff's Exhibit No. 28I.

Notice for Publication; witnesses named, Wm. H. Gibberd, John A. Youngkin, Elof Anderson, Patrick H. Downs.

Plaintiff's Exhibit No. 28J.

Examination of witness, Patrick H. Downs by Receiver.

Plaintiff's Exhibit No. 28K.

Affidavit of Emma M. Anderson, Non-alienation affidavit.

Plaintiff's Exhibit No. 28L.

ANSWERS, Given by Emma M. Anderson, to Questions 16, 17 and 18, on Cross-examination at Final Proof.

Ans. to Ques. 16: Yes.

Ans. to Ques. 17: I have had the money in my possession for years. It was left to me by my father.

Ans. to Ques. 18: No.

Plaintiff's Exhibit No. 28M.

Final Certificate No. 2200, dated December 8th, 1902.

Plaintiff's Exhibit No. 28N.

Receiver's Receipt No. 2200, dated December 8th, 1902.

Plaintiff's Exhibits Nos. 29A to 29K.**Plaintiff's Exhibit No. 29F.**

JOHN J. KEANE:

Sworn Statement, No. 249, dated and filed October 26th, 1901, for entry of West One-half of the North-east Quarter and West One-half of the Southeast Quarter of Section 21, Tp. 7 North of Range 5 East, Boise, Meridian.

Plaintiff's Exhibit No. 29A.

Non-mineral Affidavit of John J. Keane.

Plaintiff's Exhibit No. 29B.

Cross-examination of witness, Samuel Dye, on final proof.

Plaintiff's Exhibit No. 29C.

Testimony of witness, Samuel Dye, on final proof.

Plaintiff's Exhibit No. 29D.

Cross-examination of witness, Dean West, on final proof.

Plaintiff's Exhibit No. 29E.

Testimony of witness, Dean West, on final proof.

Plaintiff's Exhibit No. 29G.

Testimony of John J. Keane, on final proof, dated January 16, 1902.

Plaintiff's Exhibit No. 29H.

ANSWERS Given by John J. Keane, to Questions 16, 17 and 18, on Cross-examination at Final Proof.

Answer to Ques. 16: Yes, sir, I did, and I do.

Answer to Ques. 17: I had it on hand, have had part of it, 10 years.

Answer to Ques. 18: Yes, sir, in Boise banks.

Plaintiff's Exhibit No. 29I.

Receiver's Receipt No. 1813, dated April 25th, 1902.

Plaintiff's Exhibit No. 29J.

Final Certificate, No. 1813, dated April 25th, 1902.

Plaintiff's Exhibit No. 29K.

Deed from John J. Keane and wife to A. E. Palmer, dated June 19th, 1903; consideration, \$750.00; acknowledged before L. M. Pritchard, and filed for record June 27th, 1904, at the request of W. E. Borah. Conveys land described in Exhibit No. 29F.

Plaintiff's Exhibits Nos. 30A to 30L.**Plaintiff's Exhibit No. 30A.**

GEORGE G. GIBSON: Residence, Boise, Idaho.

Sworn statement No. 338, dated and filed March 25th, 1902, for entry of NW. $\frac{1}{4}$, Section 21, Tp. 6 North of Range 6 East, Boise Meridian.

Plaintiff's Exhibit No. 30B.

Testimony of George G. Gibson, on final proof, dated June 17, 1902.

Plaintiff's Exhibit No. 30C.

ANSWERS Given by George G. Gibson, to Questions 16, 17 and 18, on Cross-examination at Final Proof.

Answer to Ques. 16: I did. I do.

Answer to Ques. 17: I made it in my business, have had it in my business 3 or 4 years.

Answer to Ques. 18: Have an account in Capital State Bank.

Plaintiff's Exhibit No. 30D.

Receiver's Receipt, No. 1870, dated June 17th, 1902.

Plaintiff's Exhibit No. 30E.

Final Certificate No. 1870, dated June 17th, 1902.

Plaintiff's Exhibit No. 30F.

Notice for Publication; witnesses for final proof, W. C. Lane, S. Hooper, W. F. Noble, Wm. Judge.

Plaintiff's Exhibit No. 30G.

Affidavit of Publication.

Plaintiff's Exhibit No. 30H.

Non-mineral Affidavit.

Plaintiff's Exhibit No. 30I.

Cross-examination of witness, Willis C. Lane, on final proof.

Plaintiff's Exhibit No. 30J.

Testimony of witness, Willis C. Lane, on final proof.

Plaintiff's Exhibit No. 30K.

Cross-examination of witness, Wm. Judge on final proof.

Plaintiff's Exhibit No. 30L.

Testimony of witness, Wm. Judge, at final proof.

Plaintiff's Exhibits Nos. 31A to 31M.

Plaintiff's Exhibit No. 31A.

BENJAMIN R. ALLEN: Residence, Boise, Idaho; teamster.

Notice for Publication; witnesses for final proof, Samuel E. Vance, John E. Hobbs, Hiram Maynard, John J. Pawley.

Plaintiff's Exhibit No. 31B.

Affidavit of Publication.

Plaintiff's Exhibit No. 31C.

Non-mineral Affidavit.

Plaintiff's Exhibit No. 31D.

Sworn Statement No. 990, dated and filed, Aug. 10, 1903, for entry of Northeast quarter of Section 30, Tp. 6 N. of Range 8 East, Boise Meridian.

Plaintiff's Exhibit No. 31E.

Cross-examination of witness, John E. Hobbs, at final proof.

Plaintiff's Exhibit No. 31F.

Testimony of witness, John E. Hobbs, at final proof.

Plaintiff's Exhibit No. 31G.

Cross-examination of witness, Hiram Maynard, at final proof.

Plaintiff's Exhibit No. 31H.

Testimony of witness, Hiram Maynard, at final proof.

Plaintiff's Exhibit No. 31I.

ANSWERS Given by Benjamin R. Allen, to Questions 16, 17 and 18, on Cross-examination, at Final Proof.

Answer to Ques. 16: Yes.

Answer to Ques. 17: I borrowed \$200.00 from a friend, the balance I earned. Have had it about 6 or 7 months.

Answer to Ques. 18: No.

Plaintiff's Exhibit No. 31J.

Testimony of Benjamin R. Allen, at final proof, dated Nov. 6, 1903.

Plaintiff's Exhibit No. 31K.

Final Certificate No. 2690, dated Nov. 6th, 1903.

Plaintiff's Exhibit No. 31L.

Receiver's Receipt No. 2690, Nov. 6th, 1903.

Plaintiff's Exhibit No. 31M.

Deed from Benjamin R. Allen, to Horace S. Rand: dated Feb. 9th, 1904; consideration \$800.00; acknowledged before L. M. Pritchard, Notary Public and filed for record at the request of W. E. Borah, July 30, 1904. Conveys land described in Exhibit No. 31D.

Plaintiff's Exhibits Nos. 32A to 32H.

Plaintiff's Exhibit No. 32A.

HENRY T. JAMES: Residence, Boise, Idaho; occupation, teamster.

Sworn Statement No. 383, dated and filed May 5th, 1902, for entry of Southeast quarter of Section 13, Tp. 7 North of Range 5 East, Boise Meridian.

Plaintiff's Exhibit No. 32B.

Receiver's Receipt No. 1966, dated July 24th, 1902.

Plaintiff's Exhibit No. 32C.

Final Certificate No. 1966, dated July 24th, 1902.

Plaintiff's Exhibit No. 32D.

Testimony of Witness, Charles H. Arbuckle, at final proof.

Plaintiff's Exhibit No. 32E.

Testimony of witness, Patrick H. Downs, at final proof.

Plaintiff's Exhibit No. 32F.

ANSWERS of Henry T. James to Questions 16, 17 and 18 on Cross-examination at Final Proof, Answer to Ques. 16: Yes.

Answer to Ques. 17: I worked and earned most of it, and the balance I borrowed.

Answer to Ques. 18: No.

Plaintiff's Exhibit No. 32G.

Testimony of Henry T. James on final proof, dated July 24, 1902.

Plaintiff's Exhibit No. 32H.

Deed from Henry T. James to A. E. Palmer, dated July 26th, 1902; consideration, \$1,000.00; acknowledged before L. M. Pritchard, Notary Public, and filed for record June 27th, 1904, at the request of W. E. Borah. Conveys land described in Exhibit No. 32A.

Plaintiff's Exhibits Nos. 33A to 33S.

Plaintiff's Exhibit No. 33A.

JOSEPH M. HOLLISTER: Residence, Boise, Idaho; occupation, Secy. of Bldg. & Loan Assn.

Sworn Statement No. 251, dated and filed Oct. 26th, 1901, for entry of Southeast Quarter of Section 7, Tp. 7 North of Range 5 East, Boise Meridian.

Plaintiff's Exhibit No. 33B.

Testimony of Joseph M. Hollister, on final proof, dated Jan. 21st, 1902.

Plaintiff's Exhibit No. 33C.

ANSWERS Given by Joseph M. Hollister to Questions 16, 17 and 18, on Cross-examination at Final Proof.

Answer to Ques. 16: I did. I do.

Answer to Ques. 17: By savings from my salary. Part six months, and part since last quarter's payment.

Answer to Ques 18: Yes. Capital State Bank,
Boise.

Plaintiff's Exhibit No. 33D.

Receiver's Receipt No. 1972, dated July 25th,
1902.

Plaintiff's Exhibit No. 33E.

Final Certificate No. 1972, dated July 25th, 1902.

Plaintiff's Exhibit No. 33F.

Cross-examination of witness, Patrick H. Downs,
at final proof.

Plaintiff's Exhibit No. 33G.

Testimony of witness, Patrick H. Downs, at final
proof.

Plaintiff's Exhibit No. 33H.

Testimony and Cross-examination of Charles W.
Balentine at final proof.

Plaintiff's Exhibit No. 33 I.

REPORT OF REGISTER AND RECEIVER,
RECOMMENDING ENTRY.

“DEPARTMENT OF THE INTERIOR,
U. S. LAND OFFICE,

Boise, Idaho, January, 21, 1902.

In re Timber and Stone Sworn Statement No. 251,
of Joseph M. Hollister, for SE.1/4, Sec. 7, Tp.
7 N., R. 5 E.

REPORT OF REGISTER AND RECEIVER.

Final proof in this case was offered this day and
the testimony of claimant and witnesses taken.
Final certificate and receipt were issued, per letter
‘P’ of July 13, 1901.

Pursuant to the instructions contained in said letter, we have the honor to report that the regulations relative to the manner of taking such proof were carefully followed in this case; that the questions propounded to the claimant and witnesses were explained fully when necessary; that we are satisfied that the answers were made understandingly; that section 5392 of the Revised Statutes was read to the claimant and witnesses.

The entryman is personally known to us as a straight-forward and honorable citizen. We believe the entryman thinks he sees an opportunity for profitable personal investment. Therefore, we recommend that the entry be allowed.

JAMES KING,

Register.

EDWARD E. GARRETT,

Receiver."

Filed March 1, 1909. A. L. Richardson, Clerk.

Plaintiff's Exhibit No. 33J.

Notice for Publication; witnesses for final proof, James Hamilton, Henry H. Snow, Patrick H. Downs, Chas. Balentine.

Plaintiff's Exhibit No. 33K.

Certificate of Register and Receiver as to continuance of postponement of date of final proof.

Plaintiff's Exhibit No. 33L.

Affidavit of Joseph M. Hollister, reference to inability to make proof on date set.

Plaintiff's Exhibit No. 33M.

Non-mineral Affidavit.

Plaintiff's Exhibit No. 33N.

Missing.

Plaintiff's Exhibit No. 33O.

Certificate Register and Receiver, reference to discrepancy, bt. date of proof and dates of Register's Certificate and Receiver's Receipt.

Plaintiff's Exhibit No. 33P.

Affidavit of Publication.

Plaintiff's Exhibit No. 33Q.

Missing.

Plaintiff's Exhibit No. 33R.

Patent to Joseph M. Hollister, dated Feb. 1, 1904, for land described in Exhibit No. 33A, all in Boise Meridian.

Plaintiff's Exhibit No. 33S.

Deed from Joseph M. Hollister and Lenora Hollister to A. E. Palmer; dated June 23, 1903; consideration, \$2,000, and acknowledged before L. M. Pritchard, Notary Public, and filed for record Feb. 29, 1904, at the request of Wm. E. Borah. Conveys land described in Exhibit No. 33A and 35A.

Plaintiff's Exhibits Nos. 34A to 34G.

Plaintiff's Exhibit No. 34A.

MARGARET PEARSON: Residence, Boise, Idaho.

Sworn Statement No. 289, dated and filed Dec. 7th, 1901, for entry of North One-half of the Northwest quarter, Northwest quarter of the Northeast quarter of section 27, and Southeast quarter of the Southwest

quarter of Section 22, Tp. 7 North of Range 5 East, Boise Meridian.

Plaintiff's Exhibit No. 34B.

Testimony of Margaret Pearson, on final proof, dated February 21st, 1902.

Plaintiff's Exhibit No. 34C.

ANSWERS Given by Margaret Pearson to Questions 16, 17 and 18 on Cross-examination at Final Proof.

Answer to Ques. 16: Yes. Yes.

Answer to Ques. 17: From my father's estate, about 5 years ago.

Answer to Ques. 18: No, I have kept it at home.

Plaintiff's Exhibit No. 34D.

Receiver's Receipt No. 1879, June 19th, 1902.

Plaintiff's Exhibit No. 34E.

Final Certificate No. 1879, June 19th, 1902.

Plaintiff's Exhibit No. 34F.

Patent to Margaret Pearson, dated Jan. 28, 1904, for the land described in Exhibit No. 34A.

Plaintiff's Exhibit No. 34G.

Deed from Margaret Pearson and William Pearson, to A. E. Palmer, dated March 23, 1903; consideration \$1,800; acknowledged before L. M. Pritchard, Notary Public, conveying land described in Exhibits 34A and 37A.

Plaintiff's Exhibits Nos. 35A to 35F.

Plaintiff's Exhibit No. 35A.

LEONORA HOLLISTER: Residence, Boise, Idaho.

Sworn Statement No. 252, dated and filed October, 25th, 1901, for entry of North One-half of the Northeast quarter Southwest quarter of the Northeast quarter, Section 18, Tp. 7 North of range 5 East, Boise, Meridian.

Plaintiff's Exhibit No. 35B.

Testimony of Leonora Hollister on final proof, dated January 21st, 1902.

Plaintiff's Exhibit No. 35C.

ANSWERS given by Leonora Hollister to questions 16, 17 and 18, on Cross-examination at final proof.

Answer to Ques. 16: I did; I do.

Answer to Ques. 17: Part of it we have had, and part I received from my husband, recently; six months probably.

Answer to Ques. 18: I haven't personally, my husband does business with the Capital State Bank of Boise.

Plaintiff's Exhibit No. 35D.

Receiver's Receipt No. 1973, dated July 25th, 1902.

Plaintiff's Exhibit No. 35E.

Final Certificate No. 1973, dated July 25th, 1902.

Plaintiff's Exhibit No. 35F.

Patent dated February 1st, 1904, to Leonora Hollister, for land described in Exhibit No. 35A.

Plaintiff's Exhibits Nos. 36A to 36M.

Plaintiff's Exhibit No. 36A.

WILLIS C. LANE: Residence, Boise, Idaho; occupation, livery business.

Sworn Statement No. 339, dated and filed March 25th, 1902, for entry of Northwest quarter of Section 28, Tp. 6 North of Range 6 East, Boise Meridian.

Plaintiff's Exhibit No. 36B.

ANSWERS given by Willis C. Lane, to questions 16, 17 and 18 on Cross-examination at Final Proof.

Answer to Ques. 16: Yes, sir, every bean. Yes, sir.

Answer to Ques. 17: From my business operations. For several years.

Answer to Ques. 18: Yes, sir. Bank of Commerce, Boise.

Plaintiff's Exhibit No. 36C.

Testimony of Willis C. Lane, at final proof, dated June 18, 1902.

Plaintiff's Exhibit No. 36D.

Final Certificate No. 1872, dated June 18th, 1902.

Plaintiff's Exhibit No. 36E.

Receiver's Receipt No. 1872, dated June 18th, 1902.

Plaintiff's Exhibit No. 36F.

Deed from Willis C. Lane to A. E. Palmer, dated April 20th, 1903; consideration \$1,500.00; acknowledged before L. M. Pritchard, Notary Public, and filed for record at the request of W. E. Borah, October 5th, 1903. Conveys land described in Exhibit No. 36A.

Plaintiff's Exhibit No. 36G.

Affidavit of Publication.

Plaintiff's Exhibit No. 36H.

Cross-examination of witness, Wm. Judge, on final proof.

Plaintiff's Exhibit No. 36I.

Testimony of witness Wm. Judge on final proof.

Plaintiff's Exhibit No. 36J.

Cross-examination of witness, George G. Gibson, at final proof.

Plaintiff's Exhibit No. 36K.

Testimony of witness, George G. Gibson, at final proof.

Plaintiff's Exhibit No. 36L.

Notice for Publication; witnesses, for final proof, Wm. Judge, George G. Gibson, S. Hoover, W. F. Noble.

Plaintiff's Exhibit No. 36M.

Non-mineral Affidavit.

Plaintiff's Exhibits Nos. 37A to 37N.

Plaintiff's Exhibit No. 37A.

WILLIAM PEARSON: Residence, Boise, Idaho; occupation, painter.

Sworn Statement, No. 276, dated and filed Nov. 26th, 1901, for entry of Northeast Quarter of Section 12, Tp. 7 North of Range 5 East, Boise Meridian.

Plaintiff's Exhibit No. 37B.

Testimony of William Pearson, at final proof, dated February 13, 1902. •

Plaintiff's Exhibit No. 37C.

ANSWERS Given by William Pearson to Questions 16, 17 and 18, on Cross-examination at final proof.

Answer to Ques. 16: Yes, sir. Yes, sir.

Answer to Ques. 17: I brought most of it from the old country with me—about \$300.00. I have saved the rest since coming.

Answer to Ques. 18: No. I had an experience with a bank once—lost my money—and I don't want anything to do with a bank. I keep my money in my own possession.

Plaintiff's Exhibit No. 37D.

Receiver's Receipt No. 1886, June 23d, 1902.

Plaintiff's Exhibit No. 37E.

Final Certificate No. 1886, dated June 23d, 1902.

Plaintiff's Exhibit No. 37F.

Patent to William Pearson, dated January 28th, 1904, for the land described in Exhibit No. 37A.

Plaintiff's Exhibit No. 37G.

Testimony of witness, John I. Wells, at final proof.

Plaintiff's Exhibit No. 37H.

Cross-examination of witness, John I. Wells, at final proof.

Plaintiff's Exhibit No. 37I.

Notice for Publication, of Margaret Pearson, witnesses for final proof, John I. Wells, Samuel Greig, Patrick H. Downs, Charles Nelson.

Plaintiff's Exhibit No. 37J.

Notice for Publication of William Pearson; witnesses for final proof, Patrick H. Downs, Lewis K. Burns, Charles Nelson and John I. Wells.

Plaintiff's Exhibit No. 37K.

Testimony of witness, Patrick H. Downs, on final proof.

Plaintiff's Exhibit No. 37L.

Cross-examination of witness, Patrick H. Downs, on final proof.

Plaintiff's Exhibit No. 37M.

Testimony of witness, John I. Wells, on final proof.

Plaintiff's Exhibit No. 37N.

Cross-examination of witness, John I. Wells, on final proof.

Plaintiff's Exhibits Nos. 38A to 38L.

Plaintiff's Exhibit No. 38A.

CHARLES S. KINGSLEY: Residence, Boise, Idaho; occupation, attorney at law.

Sworn Statement No. —, dated and filed September 11th, 1902, for entry of Southwest quarter of Section 14, Tp. 7 North of Range 8 East, Boise Meridian.

Plaintiff's Exhibit No. 38B.

Testimony of Charles S. Kingsley on final proof, dated December 22d, 1902.

Plaintiff's Exhibit No. 38C.

ANSWERS Given by Charles S. Kingsley to Questions 16, 17 and 18, on Cross-examination at final proof.

Answer to Ques. 16: I did, and I do.

Answer to Ques. 17: Earned it in my profession. At this particular time, my a/c was short this amount, and I borrowed from the Boise City Natl. Bank on my personal credit.

Answer to Ques. 18: Yes, Boise City National Bank.

Plaintiff's Exhibit No. 38D.

Testimony of witness, Fannie R. Hart, at final proof.

Plaintiff's Exhibit No. 38E.

Testimony of witness, Irving W. Hart, at final proof.

Plaintiff's Exhibit No. 38F.

Affidavit of Publication.

Plaintiff's Exhibit No. 38G.

Notice for Publication; final proof witnesses, Irving W. Hart, and Fannie Hart, Edward H. Starn, Mary Starn.

Plaintiff's Exhibit No. 38H.

Non-mineral Affidavit.

Plaintiff's Exhibit No. 38I.

Affidavit of Charles S. Kingsley, correcting name of Claimant.

Plaintiff's Exhibit No. 38J.

Receiver's Receipt No. 2234, December 22d, 1902.

Plaintiff's Exhibit No. 38K.

Final Certificate No. 2234, December 22d, 1902.

Plaintiff's Exhibit No. 38L.

Deed from Charles S. Kingsley, and Caro F. B. Kingsley to Horace S. Rand; consideration \$1,600.00 (dated March 12th, 1903); acknowledged before John L. Niday, Notary Public, conveying tract described in Exhibits 38A and 39A.

Plaintiff's Exhibits Nos. 39A to 39K.

Plaintiff's Exhibit No. 39A.

CARO F. B. KINGSLEY, Boise, Idaho.

Sworn Statement No. ———, dated and filed September 11th, 1902, for entry of Northwest quarter of Section 14, Tp. 7 North of Range 8 East, Boise Meridian.

Plaintiff's Exhibit No. 39B.

Testimony of Caro F. B. Kingsley, on final proof, dated December 22d, 1902.

Plaintiff's Exhibit No. 39C.

ANSWERS Given by Caro F. B. Kingsley, on Cross-examination at final proof, to Questions 16, 17 and 18.

Answer to Ques. 16: Yes.

Answer to Ques. 17: Inheritance. Several years.

Answer to Ques. 18: No. In my own possession.

Plaintiff's Exhibit No. 39D.

Testimony of witness, Irving W. Hart, at final proof.

Plaintiff's Exhibit No. 39E.

Testimony of witness, Fannie W. Hart, on final proof.

Plaintiff's Exhibit No. 39F.

Missing.

Plaintiff's Exhibit No. 39G.

Non-mineral Affidavit.

Plaintiff's Exhibit No. 39H.

Notice for Publication; final proof witnesses, Irving W. Hart, Fannie P. Hart, Edward H. Starn and Mary Starn.

Plaintiff's Exhibit No. 39 I.

Affidavit of Publication.

Plaintiff's Exhibit No. 39J.

Receiver's Receipt No. 2235, December 22, 1902.

Plaintiff's Exhibit No. 39K.

Final Certificate No. 2235, dated December 22, 1902.

Plaintiff's Exhibits Nos. 40A to 40N.**Plaintiff's Exhibit No. 40A.**

LOLA T. THURMAN: Residence, Boise, Idaho.
Sworn Statement No. 343, dated and filed March 26th, 1902, for entry of Southwest quarter of Section 20 Tp. 6 North of Range 6 East, Boise Meridian.

Plaintiff's Exhibit No. 40B.

Testimony of Lola T. Thurman, at final proof, dated June 19th, 1902.

Plaintiff's Exhibit No. 40C.

ANSWERS Given by Lola T. Thurman to questions 16, 17 and 18, on Cross-examination at final proof.

Answer to Ques. 16: Yes, sir. Yes, sir.

Answer to Ques. 17: My husband gave it to me, today. He got this money from his labor, to my personal knowledge.

Answer to Ques. 18: No, sir. My husband doesn't

keep a bank account. He keeps it in his own possession.

Plaintiff's Exhibit No. 40D.

Testimony of witness, Patrick H. Downs, at final proof.

Plaintiff's Exhibit No. 40E.

Cross-examination of witness, Patrick H. Downs, at final proof.

Plaintiff's Exhibit No. 40F.

Non-mineral Affidavit.

Plaintiff's Exhibit No. 40G.

Notice for publication; witnesses for final proof, Adelia Brookhart, Frank Brookhart, P. H. Downs, J. I. Wells.

Plaintiff's Exhibit No. 40H.

Receiver's Receipt No. 1876, dated June 19th, 1902.

Plaintiff's Exhibit No. 40 I.

Final Certificate No. 1876, dated June 19th 1902.

Plaintiff's Exhibit No. 40J.

Deed from Lola Thurman and Frederick Thurman to A. E. Palmer, dated July 5th, 1902; consideration, \$2,000; acknowledged before L. M. Pritchard, Notary Public, for land described in 40A and 41A, Exhibits.

Plaintiff's Exhibit No. 40K.

Non-alienation Affidavit.

Plaintiff's Exhibit No. 40L.

Affidavit of Publication.

Plaintiff's Exhibit No. 40M.

Cross-examination of witness, Adelia C. Brookhart, at final proof.

Plaintiff's Exhibit No. 40N.

Testimony of witness, Adelia C. Brookhart, at final proof.

Plaintiff's Exhibits Nos. 41A to 41J.**Plaintiff's Exhibit No. 41A.**

FREDERICK THURMAN, Boise, Idaho; occupation, farmer.

Sworn Statement No. 342, dated and filed, March 26, 1902, for entry of Northeast Quarter of Section 20, Tp. 6 North of Range 6 East, Boise Meridian.

Plaintiff's Exhibit No. 41B.

Non-mineral Affidavit.

Plaintiff's Exhibit No. 41C.

Notice for Publication; final proof witnesses, Adella Brookhart, Patrick H. Downs, Frank Brookhart, and John I. Wells.

Plaintiff's Exhibit No. 41D.

ANSWERS Given by Frederic Thurman to Questions 16, 17 and 18, on Cross-examination, at Final Proof.

Answer to Ques. 16: I did. Yes, sir.

Answer to Ques. 17: I had \$750.00 about, when I filed, maybe more. Have saved \$125.00 net since filing, at different jobs of work. I borrowed \$100.00 about 3 months ago of the Bank of Commerce.

Answer to Ques. 18: No, sir. Keep my money at home.

Plaintiff's Exhibit No. 41E.

Cross-examination of Frederic Thurman, in connection with Direct Examination by L. L. Sharp.

“Question 1. Are you an actual bona fide citizen of this State? Yes.

Question 2. Are you married or single? Married.

Question 3. Where did you reside prior to becoming a resident of this State, and what was your occupation? Always lived here. Farmer and mining.”

“Question 4. How long have you been an actual resident of this State, and where have you lived during all of this time? 29 years. Boise Valley. Ada County, Idaho.

Question 5. What has been your occupation during the past year, and where and by whom have you been employed, and at what compensation? Worked in the mine for Pittsburg Mining Co. 1 Mo. \$2.00 per day; Lew Johnson, \$2.50 per day 1 Mo., balance of time farming for self.

Question 6. How did you first learn about this particular tract of land, and that it would be a good investment to buy it? From Arthur Brookhart and John I. Wells, of Boise, Idaho.

Question 7. Did you pay or agree to *say* anything for this information? If so, to whom, and the amount. I paid John I. Wells, Boise, Idaho, \$25.00 to locate me on the land.

Question 8. Have you made a personal examination of each smallest subdivision of said land? If so,

state when and under what circumstances and with whom? Yes, with Patrick Downs.

Question 9. How did you identify said land? Describe it fully. I found the corners, and run out the lines.

Question 10. How many thousand feet, board measure, of lumber did you estimate that there is on this entire tract, and what is the stumpage value of same? Never made an estimate, but know there is several thousand feet.

Question 11. Are you a practical lumberman or woodsman? If not, how did you arrive at your estimate of the quantity and value of the lumber on the land? I am not a practical woodsman, and have made no estimate of amount of timber.

Question 12. What do you expect to do with this land and the lumber on it when you get title to it? I expect to use it for my own benefit.

Question 13. Do you know of any capitalist or company which is offering to purchase timber land in the vicinity of this entry? If so, who are they, and how did you know of them? I do not know of any such company.

Question 14. Has any person offered to purchase this land after you acquire title? If so, who, and for what amount? No.

Question 15. Where is the nearest and best market for the timber on this land at the present time? Idaho City, Idaho, is the nearest and best market.

Question 16. Did you pay, out of your own individual funds, all the expenses in connection with making this filing, and do you expect to pay for the

land with your own money? Yes, sir.

Question 17. Where did you get the money with which to pay for this land, and how long have you had same in your actual possession? I made this money out of labor, livestock trading and farming. Never kept in bank, had the money about 3 months.

Question 18. Have you kept a bank account during the past six months, and if so, where? No, but when I needed money, I borrowed from Commercial National Bank, Boise, Idaho."

Plaintiff's Exhibit No. 41F.

Testimony of Frederic Thurman, on final proof, dated June 19, 1902.

Plaintiff's Exhibit No. 41G.

Cross-examination of witness, Patrick H. Downs, on final proof.

Plaintiff's Exhibit No. 41H.

Testimony of witness, Patrick H. Downs, on final proof.

Plaintiff's Exhibit No. 41 I.

Receiver's Receipt No. 1877, dated June 19th, 1902.

Plaintiff's Exhibit No. 41J.

Final Certificate No. 1877, dated June 19th, 1902.

Plaintiff's Exhibits Nos. 42A to 42H.

Plaintiff's Exhibit No. 42A.

GEORGE T. ELLIS: Residence, Boise, Idaho; occupation, farmer.

Sworn Statement No. 611, dated and filed September 19th, 1902, for entry of Southeast quarter of Sec-

tion 12, Tp. 7 North of Range 8 East, Boise Meridian.

Plaintiff's Exhibit No. 42B.

Non-mineral Affidavit.

Plaintiff's Exhibit No. 42C.

Notice for Publication; witnesses for final proof, Henry Bayhouse, Albert Bayhouse, James F. Belk, Patrick H. Downs.

Plaintiff's Exhibit No. 42D.

Testimony of George T. Ellis, at final proof, dated January 22d, 1903.

Plaintiff's Exhibit No. 42E.

ANSWERS Given by George T. Ellis, to Questions 16, 17 and 18, on Cross-examination, at final proof.

Answer to Ques. 16: I did, and I do.

Answer to Ques. 17: Earned part of it from farm, and borrowed \$250. from Capital State Bank, my own personal note.

Answer to Ques. 18: Yes, Capital State Bank, Boise, Idaho.

Plaintiff's Exhibit No. 42F.

Receiver's Receipt No. 2274, dated January 22, 1903.

Plaintiff's Exhibit No. 42G.

Final Certificate No. 2274, dated January 22, 1903.

Plaintiff's Exhibit No. 42H.

Deed from George T. Ellis to Horace S. Rand, dated February 13th, 1903; consideration, \$800.00; acknowledged before L. M. Pritchard, Notary Pub-

lic; filed for record at the request of W. E. Borah, July 1st, 1904. Conveys land described in Exhibit No. 42A.

Plaintiff's Exhibits Nos. 43A to 43N.

Plaintiff's Exhibit No. 43A.

EMERSON S. SENSENIG: Occupation, traveling salesman; residence, Boise, Idaho.

Sworn statement No. ———, dated and filed September 19th, 1902, for entry of South half of the Southeast quarter, Northeast quarter of the southeast quarter, and Southeast quarter of Northeast quarter, Section 26, Tp. 7 North of Range 8 East, Boise Meridian.

Plaintiff's Exhibit No. 43B.

Testimony of Emerson S. Sensenig, on final proof, dated January 21st, 1903.

Plaintiff's Exhibit No. 43C.

Cross-examination of witness, Jacob V. Nusbaum, on final proof.

Plaintiff's Exhibit No. 43D.

Testimony of witness, Jacob V. Nusbaum, on final proof.

Plaintiff's Exhibit No. 43E.

Cross-examination of witness, Benjamin C. Eagleson, on final proof.

Plaintiff's Exhibit No. 43F.

Testimony of witness, Benjamin C. Eagleson, on final proof.

Plaintiff's Exhibit No. 43G.

Affidavit of Publication.

Plaintiff's Exhibit No. 43H.

Notice for Publication; witnesses for final proof, Jacob V. Nusbaum, Harry K. Eagleson, Benjamin C. Eagleson, Charles H. Eagleson.

Plaintiff's Exhibit No. 43I.

Affidavit of Publication.

Plaintiff's Exhibit No. 43J.

ANSWERS Given by Emerson S. Sensenig, to Questions 16, 17 and 18, on Cross-examination at final proof.

Answer to Ques. 16: I did, and I expect to pay for the land with my own money.

Answer to Ques. 17: I have had this amount on deposit about 60 days.

Answer to Ques. 18: Yes, Capital State Bank, Boise, Idaho.

Plaintiff's Exhibit No. 43K.

Non-mineral Affidavit.

Plaintiff's Exhibit No. 43L.

Receiver's Receipt No. 2271, dated January 21, 1903.

Plaintiff's Exhibit No. 43M.

Final Certificate No. 2271, dated January 21, 1903.

Plaintiff's Exhibit No. 43N.

Deed from Emerson S. Sensenig and Lucretia C. Sensenig, husband and wife, to Horace S. Rand; consideration, \$1600.00; dated February 16th, 1903; acknowledged before L. M. Pritchard, Notary Public. Conveying land described in Exhibit 43A, and

Exhibit 44A, filed for record at the request of W. E. Borah, July 1st, 1904.

Plaintiff's Exhibits Nos. 44A to 44L.

Plaintiff's Exhibit No. 44A.

LUCRETIA C. SENSENIG.

Sworn Statement No. 666, dated and filed Oct. 7th, 1902, for entry of Southwest Quarter of Section 23, Tp. 7 North of Range 8 East, Boise Meridian.

Plaintiff's Exhibit No. 44B.

Notice for Publication; witnesses for final proof, Harry K. Eagleson, Jacob V. Nusbaum, John I. Wells, and Patrick H. Downs.

Plaintiff's Exhibit No. 44C.

Non-mineral Affidavit.

Plaintiff's Exhibit No. 44D.

Testimony of Lucretia C. Sensenig, on final proof, dated February 13th, 1903.

Plaintiff's Exhibit No. 44E.

ANSWERS Given by Lucretia C. Sensenig, to Questions 16, 17 and 18, at final proof, on Cross-examination.

Answer to Ques. 16: I did, and I do.

Answer to Question 17: My husband gave it to me. Have had it since yesterday.

Answer to Ques. 18: My husband has at Capital State Bank, Boise, Idaho.

Plaintiff's Exhibit No. 44F.

Testimony of witness, Jacob V. Nusbaum.

Plaintiff's Exhibit No. 44G.

Cross-examination of Harry K. Eagleson, witness, on final proof.

Plaintiff's Exhibit No. 44H.

Testimony of witness, Harry K. Eagleson.

Plaintiff's Exhibit No. 44I.

Non-alienation Affidavit, Lucretia C. Sensenig, dated Feb. 13, 1903.

Plaintiff's Exhibit No. 44J.

Affidavit of Publication.

Plaintiff's Exhibit No. 44K.

Final Certificate No. 2304, dated February 13th, 1903.

Plaintiff's Exhibit No. 44L.

Receiver's Receipt No. 2304, dated February 13th, 1903.

Plaintiff's Exhibits Nos. 45A to 45M.**Plaintiff's Exhibit No. 45A.**

WALTER L. HARRISON: Residence, Boise, Idaho; occupation, carpenter.

Sworn Statement No. 274, dated and filed Nov. 26th, 1901, for entry of Lot 3, and Northeast quarter of Southwest quarter, and Northwest quarter of Southeast quarter, and Southwest quarter of Northeast quarter of Section 30, Tp. 7 North of Range 5 East, Boise Meridian.

Plaintiff's Exhibit No. 45B.

Testimony of Walter L. Harrison, on final proof, dated Feb. 12th, 1902.

Plaintiff's Exhibit No. 45C.

ANSWERS Given by Walter L. Harrison to Questions 16, 17 and 18, on Cross-examination at Final Proof.

Answer to Ques. 16: I did. I do.

Answer to Ques. 17: I earned it. I sold a mine in Colorado about 3 years ago. I have had that much money for a number of years, over 3 years, at least.

Answer to Ques. 18: I have. In the Bank of Commerce, Boise.

Plaintiff's Exhibit No. 45D.

Cross-examination of witness, Patrick H. Downs, on final proof.

Plaintiff's Exhibit No. 45E.

Testimony of witness, Patrick H. Downs, on final proof.

Plaintiff's Exhibit No. 45F.

Cross-examination of witness, William Pearson on final proof.

Plaintiff's Exhibit No. 45G.

Testimony of witness, William Pearson, on final proof.

Plaintiff's Exhibit No. 45H.

Non-mineral Affidavit.

Plaintiff's Exhibit No. 45I.

Notice for Publication; witnesses for final proof, William Pearson, Patrick H. Downs, Dean West, Charles Nelson.

Plaintiff's Exhibit No. 45J.

Missing.

Plaintiff's Exhibit No. 45K.

Receiver's Receipt No. 2063, dated Sept. 5th, 1902.

Plaintiff's Exhibit No. 45L.

Final Certificate No. 2063, dated Sept. 5th, 1902.

Plaintiff's Exhibit No. 45M.

Deed from Walter L. Harrison to A. E. Palmer, dated Sept. 12th, 1902; consideration, \$950.00; acknowledged before L. M. Pritchard, Notary Public, and filed for record at the request of W. E. Borah, February 29th, 1904. Conveys land described in Exhibit No. 45A.

Plaintiff's Exhibits Nos. 46A to 46K.**Plaintiff's Exhibit No. 46A.**

EDWARD H. STARN: Residence, Boise, Idaho; occupation, stockraiser.

Sworn Statement No. 557, dated and filed Sept. 6th, 1902, for entry of Northwest quarter of Section 10, Tp. 7 North of Range 8 East, Boise Meridian.

Plaintiff's Exhibit No. 46B.

Testimony of Edward H. Starn on final proof, dated December 18, 1902.

Plaintiff's Exhibit No. 46C.

ANSWERS of Edward H. Starn to Questions 16, 17 and 18 on Cross-examination at Final Proof.

Answer to Ques. 16: Yes.

Answer to Question 17: I sold a ranch 2 years ago, and have had the money since that time.

Answer to Ques. 18: Not since June, 1902. Prior to that with Capital State Bank, Boise. During past six months, I have held certificate of deposit for cash deposited with Bank of Commerce, Boise.

Plaintiff's Exhibit No. 46D.

Testimony of Patrick H. Downs, witness, on final proof.

Plaintiff's Exhibit No. 46E.

Testimony of witness, Aaron Owenby, on final proof.

Plaintiff's Exhibit No. 46F.

Notice for Publication; witnesses on final proof, Aaron Owenby, P. H. Downs, Charles S. Kingsley, Mrs. Mary Starn.

Plaintiff's Exhibit No. 46G.

Non-mineral Affidavit.

Plaintiff's Exhibit No. 46H.

Affidavit of Publication.

Plaintiff's Exhibit No. 46I.

Receiver's Receipt No. 221, dated December 18th, 1902.

Plaintiff's Exhibit No. 46J.

Final Certificate No. 2221, dated Dec. 18th, 1902.

Plaintiff's Exhibit No. 46K.

Deed from Edward H. Starn and Mary Starn, to Horace S. Rand, dated February 18th, 1903; consideration \$1600; acknowledged before L. M. Pritchard, and filed for record at the request of W. E. Borah, June 23d, 1904, including land described in Exhibits 46A-48A.

Plaintiff's Exhibits Nos. 47A to 47H.**Plaintiff's Exhibit No. 47A.**

ELIZABETH SCHMELZEL: Residence, Boise, Idaho.

Sworn Statement, No. ———, dated and filed October 3d, 1902, for entry of Southeast quarter of Section 27, Township 7 North of Range 8 East, Boise Meridian.

Plaintiff's Exhibit No. 47B.

Testimony of Elizabeth Schmelzel, on final proof, dated February 16, 1903.

Plaintiff's Exhibit No. 47C.

ANSWERS Given by Elizabeth Schmelzel, to Questions 16, 17 and 18, on Cross-examination at Final Proof.

Answer to Ques. 16: I did. I do.

Answer to Ques. 17: My husband gave it to me; one day.

Answer to Ques. 18: My husband has. First National Bank.

Plaintiff's Exhibit No. 47D.

Notice for Publication; witnesses for final proof, Joseph Sullivan, Helen Sullivan, C. R. Beckley, Mantie Beckley.

Plaintiff's Exhibit No. 47E.

Non-mineral Affidavit.

Plaintiff's Exhibit No. 47F.

Receiver's Receipt, No. 2306, dated February 16th, 1903.

Plaintiff's Exhibit No. 47G.

Final Certificate No. 2306, dated February 16th, 1903.

Plaintiff's Exhibit No. 47H.

Deed from Henry A. Schmelzel and Elizabeth Schmelzel to Horace S. Rand, dated February 25th, 1903; consideration, \$800.00; acknowledged before L. M. Pritchard, Notary Public, filed for record July 1st, 1904, at the request of W. E. Borah. Conveys land described in Exhibit No. 47A.

Plaintiff's Exhibits Nos. 48A to 48K.

Plaintiff's Exhibit No. 48A.

Mrs. MARY STARN: Residence, Boise, Idaho.

Sworn Statement, No. 559, dated and filed Sept. 6th, 1902, for entry of Southeast quarter, Section 10, Tp. 7 North of Range 8 East, Boise Meridian.

Plaintiff's Exhibit No. 48B.

Testimony of Mary Starn, on final proof, dated December 18, 1902.

Plaintiff's Exhibit No. 48C.

ANSWERS Given by Mary Starn to Questions 16, 17 and 18, on Cross-examination at Final Proof.

Answer to Ques. 16: Yes.

Answer to Ques. 17: My husband gave me the money last fall.

Answer to Ques. 18: Yes. Capital State Bank, Boise.

Plaintiff's Exhibit No. 48D.

Testimony of witness, Aaron W. Ownbey, on final proof.

Plaintiff's Exhibit No. 48E.

Testimony of witness, Patrick H. Downs, on final proof.

Plaintiff's Exhibit No. 48F.

Missing.

Plaintiff's Exhibit No. 48G.

Non-mineral Affidavit.

Plaintiff's Exhibit No. 48H.

Notice for Publication; witness on final proof, Aaron Ownbey, P. H. Downs, Charles Kingsley, and Edward H. Starn.

Plaintiff's Exhibit No. 48I.

Affidavit of Publication.

Plaintiff's Exhibit No. 48J.

Receiver's Receipt No. 2222, dated December 18th, 1902.

Plaintiff's Exhibit No. 48K.

Final Certificate No. 2222, dated December 18th, 1902.

Plaintiff's Exhibits Nos. 49A to 49O.**Plaintiff's Exhibit No. 49A.**

ARIETTA H. STAHL: Residence, Boise, Idaho.
Sworn Statement No. 635, filed and dated September 29th, 1902, for entry of Lots 3 and 4, and the East Half of the Southwest Quarter of Section 7, Tp. 7 North of Range 8 East, Boise Meridian.

Plaintiff's Exhibit No. 49B.

Testimony of Arietta H. Stahl, at final proof, dated March 17th, 1903.

Plaintiff's Exhibit No. 49C.

ANSWERS Given by Arietta H. Stahl to Questions 16, 17 and 18, on Cross-examination at Final Proof.

Answer to Ques. 16: Yes.

Answer to Ques. 17: I have had this money in my possession for 30 years. Prior to marriage.

Answer to Ques. 18: Yes. Bank of Commerce, Boise, Idaho.

Plaintiff's Exhibit No. 49D.

AFFIDAVIT OF ARIETTA H. STAHL.

"ARIETTA H. STAHL, being duly sworn, testifies as follows:

Q. Who spoke first to you relative to making timber locations in this section, Mrs. Stahl?

A. We learned of it through some of our neighbors who were locating on timber lands, Mr. Stearn.

Q. What did he tell you about it?

A. Not anything except that he had made a location and asked us if we had ever used our rights. We told him no, and we thought as we were going for a little trip we would do that.

Q. Who did you see about locating you on timber land?

A. Mr. Downs. He was the locator that we saw up there.

Q. Where did you first meet him?

A. We saw him first in the neighborhood of the claims. At Kempner's Ranch.

Q. Who was in the party?

A. Mr. and Mrs. Martin, Mr. Stahl and myself.

Q. Did you pay Mr. Downs, personally, for locating you?

A. I gave Mr. Stahl the money and he paid Mr. Downs.

Q. You saw no one prior to going up there except this neighbor you spoke of? A. That is all.

Q. You did not see John I. Wells?

A. I do not know him.

Q. Did you see Mr. John Kinkaid?

A. No, sir.

Q. Did you see either of them after you came back? A. No, sir.

Q. Who made out your application papers?

A. They were made out in this office.

Q. You brought your application papers already filled out, didn't you?

A. We first went to Mr. Worthman. I think perhaps he filled them out.

Q. In what building were they made out?

A. I do not know.

Q. You say you have had this money in your possession for 30 years. Have you kept this in a bank all of this time?

A. We have always had money there.

Q. You kept a common account, you and your husband? A. Yes, sir.

ARIETTA H. STAHL.

Subscribed and sworn to before me this 17th day of March, 1903.

EDWARD E. GARRETT,

Receiver."

Plaintiff's Exhibit No. 49E.

Missing.

Plaintiff's Exhibit No. 49F.

Testimony of witness, William H. Martin, at final proof.

Plaintiff's Exhibit No. 49G.

Cross-examination of witness, William H. Martin, on final proof.

Plaintiff's Exhibit No. 49H.

Cross-examination of Henrietta B. Martin, witness, on final proof.

Plaintiff's Exhibit No. 49I.

Testimony of Henrietta B. Martin, witness, on final proof.

Plaintiff's Exhibit No. 49J.

Notice for Publication; witnesses on final proof, William H. Martin, Benjamin F. Stahl, Patrick H. Downs, and Henrietta B. Martin.

Plaintiff's Exhibit No. 49K.

Non-mineral Affidavit.

Plaintiff's Exhibit No. 49L.

Affidavit of Publication.

Plaintiff's Exhibit No. 49M.

Receiver's Receipt No. 2344, dated March 17, 1903.

Plaintiff's Exhibit No. 49N.

Final Certificate No. 2344, dated March 17th, 1903.

Plaintiff's Exhibit No. 49O.

Deed from Arietta H. Stahl and Benjamin F. Stahl to Horace S. Rand, dated March 25th, 1903;

consideration, \$2,000; acknowledged before J. M. Haines, conveying land described in 49A and 50A, exhibits. Filed for record at the request of W. E. Borah, July 1st, 1904.

Plaintiff's Exhibits Nos. 50A to 50M.

Plaintiff's Exhibit No. 50A.

BENJAMIN E. STAHL; occupation, miner; Residence, Boise, Idaho.

Sworn Statement No. 634, dated and filed Sept. 29th, 1902, for entry of Southwest quarter of Section 8, Tp. 7 North of Range 8 East, Boise Meridian.

Plaintiff's Exhibit No. 50B.

Testimony of Benjamin E. Stahl, on final proof, dated March 17, 1903.

Plaintiff's Exhibit No. 50C.

Affidavit of Benjamin E. Stahl.

Plaintiff's Exhibit No. 50D.

ANSWERS Given by Benjamin E. Stahl to Questions 16, 17 and 18, on Cross-examination, at Final Proof.

Answer to Ques. 16: Yes.

Answer to Ques. 17: I earned the money mining. Have had same several years.

Answer to Ques. 18: Bank of Commerce, Boise, Idaho.

Plaintiff's Exhibit No. 50E.

Testimony of witness, Henrietta B. Martin, on final proof.

Plaintiff's Exhibit No. 50F.

Cross-examination of witness, Henrietta B. Martin, on final proof.

Plaintiff's Exhibit No. 50G.

Testimony of witness, William H. Martin, on final proof.

Plaintiff's Exhibit No. 50H.

Cross-examination of witness, William H. Martin, on final proof.

Plaintiff's Exhibit No. 50I.

Non-mineral Affidavit.

Plaintiff's Exhibit No. 50J.

Notice for Publication; witnesses for final proof: William H. Martin, Arietta H. Stahl, Henrietta B. Martin and Patrick H. Downs.

Plaintiff's Exhibit No. 50K.

Affidavit of Publication.

Plaintiff's Exhibit No. 50L.

Receiver's Receipt No. 2345, March 17th, 1903.

Plaintiff's Exhibit No. 50M.

Final Certificate No. 2345, dated March 17th, 1903.

Plaintiff's Exhibits Nos. 51A to 51O.

Plaintiff's Exhibit No. 51A.

MRS. EMMA BILDERBACK: Residence, Boise, Idaho.

Sworn Statement No. 624, dated and filed Sept., 24, 1902, for entry of North One-half of the Southwest quarter Section 27, and North One-half of Southeast quarter, Section 28, Tp. 7 North of Range 8 East, Boise Meridian.

Plaintiff's Exhibit No. 51B.

Notice for Publication: Witnesses for final proof,

Frank Bayhouse, William F. Noble, Patrick H. Downs and John I. Wells.

Plaintiff's Exhibit No. 51C.

Non-mineral Affidavit.

Plaintiff's Exhibit No. 51D.

Testimony of Mrs. Emma Bilderback on final proof, dated January 28, 1903.

Plaintiff's Exhibit No. 51E.

ANSWERS Given by Mrs. Emma Bilderback to Questions 16, 17 and 18, on Cross-examination, at Final Proof.

Answer to Ques. 16: Yes, sir. I do.

Answer to Ques. 17: I made it keeping roomers and boarders, several years.

Answer to Ques. 18: First Natl. Bank, Boise.

Plaintiff's Exhibit No. 51F.

Testimony of witness John I. Wells on final proof.

Plaintiff's Exhibit No. 51G.

Cross-examination of witness, John I. Wells, on final proof.

Plaintiff's Exhibit No. 51H.

Receiver's Receipt No. 2283, dated Jan. 28th 1903.

Plaintiff's Exhibit No. 51I.

Final Certificate No. 2283, dated Jan. 28th, 1903.

Plaintiff's Exhibit No. 51J.

Deed from Mrs. Emma Bilderback, and George Bilderback to Horace S. Rand, dated February 12th, 1903; consideration \$800.00; filed at the request of W. E. Borah on the 23d of June, 190—, acknowledged before L. M. Pritchard, Notary Public. Conveys land described in Exhibit 51A.

Plaintiff's Exhibit No. 51K.

Cross-examination of witness, William F. Noble,
at final proof.

Plaintiff's Exhibit No. 51L.

Testimony of witness, William F. Noble, at final
proof.

Plaintiff's Exhibit No. 51M.

Missing.

Plaintiff's Exhibit No. 51N.

Affidavit of Publication.

Plaintiff's Exhibit No. 51 O.

Affidavit of Publication.

Plaintiff's Exhibits Nos. 52A to 52N.

Plaintiff's Exhibit No. 52A.

PEARL I. NUSBAUM: Residence, Boise, Idaho.
Sworn Statement, No. 655, dated and filed October
7th, 1902, for entry of Southeast Quarter of Section
22, Tp. 7 North of Range 8 East, Boise Meridian.

Plaintiff's Exhibit No. 52B.

Testimony of witness, Patrick H. Downs, on final
proof.

Plaintiff's Exhibit No. 52C.

Cross-examination of witness, Patrick H. Downs,
on final proof.

Plaintiff's Exhibit No. 52D.

Testimony of Pearl I. Nusbaum, on final proof,
dated February 14, 1903.

Plaintiff's Exhibit No. 52E.

ANSWERS Given by Pearl I. Nusbaum, to Questions 16, 17 and 18, on Cross-examination, at Final Proof.

Answer to Ques. 16: I did, and I do.

Answer to Ques. 17: My husband gave it to me. Have had it several months.

Answer to Ques. 18: My husband has, in Bank of Commerce, Boise, Idaho.

Plaintiff's Exhibit No. 52F.

Receiver's Receipt, No. 2305, dated February 14th, 1903.

Plaintiff's Exhibit No. 52G.

Final Certificate No. 2305, dated February 14th, 1903.

Plaintiff's Exhibit No. 52H.

Deed from Pearl I. Nusbaum and Jacob V. Nusbaum, to Horace S. Rand, dated February 16th, 1903; consideration, \$1600; acknowledged before L. M. Pritchard, Notary Public, conveying land described in Exhibits 52A and 53A, filed for record at the request of W. E. Borah, June 23d, 1904.

Plaintiff's Exhibit No. 52I.

Affidavit of Publication.

Plaintiff's Exhibit No. 52J.

Non-mineral Affidavit.

Plaintiff's Exhibit No. 52K.

Missing.

Plaintiff's Exhibit No. 52L.

Cross-examination of witness, Harry K. Eagleson, on final proof.

Plaintiff's Exhibit No. 52M.

Testimony of witness, Harry K. Eagleson, on final proof.

Plaintiff's Exhibit No. 52N.

Notice for Publication; witnesses for final proof, Harry K. Eagleson, George Butler, Patrick H. Downs, John I. Wells.

Plaintiff's Exhibits Nos. 53A to 53L.

Plaintiff's Exhibit No. 53A.

JACOB V. NUSBAUM: Residence, Boise, Idaho; Grocer.

Sworn Statement No. —, dated and filed Sept. 19th, 1902, for entry of South One-half of Northeast Quarter Northwest Quarter of Southeast Quarter, and Northeast Quarter of Southwest Quarter, Section 24, Tp. 7 North of Range 8 E., Boise Meridian.

Plaintiff's Exhibit No. 53B.

Notice for Publication; witnesses for final proof, Emerson S. Sensenig, Harry K. Eagleson, Benjamin C. Eagleson, Charles S. Eagleson.

Plaintiff's Exhibit No. 53C.

Non-mineral Affidavit.

Plaintiff's Exhibit No. 53D.

Testimony of Jacob V. Nusbaum, on final proof, dated January 21st, 1903.

Plaintiff's Exhibit No. 53E.

ANSWERS Given by Jacob V. Nusbaum, to Questions 16, 17 and 18, on Cross-examination, at Final Proof.

Answer to Ques. 16: Yes.

Answer to Ques. 17: It is my own personal earnings. On deposit about 2 mo.

Answer to Ques. 18: Yes. Capital State Bank, Boise, Idaho.

Plaintiff's Exhibit No. 53F.

Receiver's Receipt No. 2272, dated January 21, 1903.

Plaintiff's Exhibit No. 53G.

Final Certificate No. 2272, dated January 21, 1903.

Plaintiff's Exhibit No. 53H.

Cross-examination of witness, Benjamin C. Eagleson, on final proof.

Plaintiff's Exhibit No. 53I.

Testimony of witness, Benjamin C. Eagleson, on final proof.

Plaintiff's Exhibit No. 53J.

Cross-examination of witness, Emerson S. Sensenig, on final proof.

Plaintiff's Exhibit No. 53K.

Testimony of witness Emerson S. Sensenig, on final proof.

Plaintiff's Exhibit No. 53L.

Affidavit of Publication.

Plaintiff's Exhibits Nos. 54A to 54K.

Plaintiff's Exhibit No. 54A.

JOHN A. YOUNGKIN: Residence, Boise, Ida.; occupation, freighter.

Sworn statement No. —, dated and filed August 29th, 1902, for entry of Northeast Quarter of Section 12, Tp. 7 North of Range 7 East of Boise Meridian.

Plaintiff's Exhibit No. 54B.

Notice for publication; witnesses on final proof, William H. Gibberd, Elof Anderson, John I. Wells, and Emma M. Anderson.

Plaintiff's Exhibit No. 54C.

Non-mineral affidavit.

Plaintiff's Exhibit No. 54D.

Testimony of John A. Youngkin, at final proof, dated December 3rd, 1902.

Plaintiff's Exhibit No. 54E.

ANSWERS Given by John A. Youngkin, to Questions 16, 17 and 18, on Cross-examination, at Final Proof.

Answer to Ques. 16: Yes.

Answer to Ques. 17: Most of the money is what I have earned freighting. \$120.00 I have just borrowed to make up the balance. Have had part about 2 months, collected for freighting.

Answer to Ques. 18: No.

Plaintiff's Exhibit No. 54F.

Testimony of witness, Elof Anderson, at final proof.

Plaintiff's Exhibit No. 54G.

Testimony of witness, William H. Gibberd, at final proof.

Plaintiff's Exhibit No. 54H.

Receiver's receipt No. 2186, dated December 3rd, 1902.

Plaintiff's Exhibit No. 54I.

Final certificate No. 2186, dated December 3rd, 1902.

Plaintiff's Exhibit No. 54J.

Deed from John A. Youngkin to Horace S. Rand, dated February 12th, 1903; consideration \$800.00; acknowledged before W. S. Walker, notary public, and filed for record June 23d, 1904, at the request of Wm. E. Borah. Conveys land described in Exhibit No. 54A.

Plaintiff's Exhibit No. 54K.

Affidavit of publication.

Plaintiff's Exhibits Nos. 55A to 55H.**Plaintiff's Exhibit No. 55A.**

CAROLINE ALEXANDER: Residence, Boise, Idaho.

Sworn statement, 657, dated and filed Oct. 7th, 1902, for entry of East Half of the Northeast Quarter and North Half of the Southeast Quarter, Section 34, Tp. 7 North, Range 8 East, Boise Meridian.

Plaintiff's Exhibit No. 55B.

Notice for publication; witnesses for final proof, Jacob C. Nusbaum, George Butler, Patrick H. Downs, John I. Wells.

Plaintiff's Exhibit No. 55C.

Non-mineral affidavit.

Plaintiff's Exhibit No. 55D.

Testimony of Caroline Alexander, on final proof, dated February 12, 1903.

Plaintiff's Exhibit No. 55E.

ANSWERS Given by Caroline Alexander to Questions 16, 17 and 18, on Cross-examination, at Final Proof.

Answer to Ques. 16: Yes. Yes.

Answer to Ques. 17: Income from investments. Several years.

Answer to Ques. 18: Capital State Bank, Boise.

Plaintiff's Exhibit No. 55F.

Receiver's receipt No. 2300, dated February 12th, 1903.

Plaintiff's Exhibit No. 55G.

Final certificate No. 2300, dated February 12th, 1903.

Plaintiff's Exhibit No. 55H.

Deed from Caroline Alexander to Horace S. Rand, dated Feb. 16th, 1903; consideration \$800; acknowledged before L. M. Pritchard, notary public; July 1st, 1904, filed for record at request of W. E. Borah; conveys land described in Exhibit No. 55A.

Plaintiff's Exhibits Nos. 56A to 56M.

Plaintiff's Exhibit No. 56A.

GEORGE BAYHOUSE: Residence, Boise, Idaho; occupation, merchant,

Sworn statement, No. 622, filed and dated Sept. 24th, 1902, for entry of Northeast Quarter of Section 28, Tp. 7 North of Range 8 East, Boise Meridian.

Plaintiff's Exhibit No. 56B.

Testimony of George Bayhouse, at final proof, dated March 13, 1903.

Plaintiff's Exhibit No. 56C.

ANSWERS Given by George Bayhouse, to Questions 16, 17 and 18, on Cross-examination, at Final Proof.

Answer to Ques. 16: I did, and I do.

Answer to Ques. 17: Earned it; one month.

Answer to Ques. 18: Yes. First National Bank, Boise, Idaho.

Plaintiff's Exhibit No. 56D.

Testimony of witness, George W. Butler, on final proof.

Plaintiff's Exhibit No. 56E.

Cross-examination of witness, George W. Butler, on final proof.

Plaintiff's Exhibit No. 56F.

Testimony of witness, Patrick H. Downs, on final proof.

Plaintiff's Exhibit No. 56G.

Cross-examination of witness, Patrick H. Downs, on final proof.

Plaintiff's Exhibit No. 56H.

Notice for publication; witnesses, Walter Joplin, George W. Butler, Patrick H. Downs and John I. Wells.

Plaintiff's Exhibit No. 56I.

Non-mineral affidavit.

Plaintiff's Exhibit No. 56J.

Affidavit of publication.

Plaintiff's Exhibit No. 56K.

Receiver's receipt No. 2339, dated March 13th, 1903.

Plaintiff's Exhibit No. 56L.

Final certificate No. 2339, March 13, 1903.

Plaintiff's Exhibit No. 56M.

Deed from George Bayhouse to Horace S. Rand, dated March 24th, 1903; consideration \$1,000.00; acknowledged before L. M. Pritchard, notary public, and filed for record at the request of Wm. E. Borah, July 1st, 1904. Conveys land described in Exhibit No. 56A.

Plaintiff's Exhibits Nos. 57A to 57N.

Plaintiff's Exhibit No. 57A.

FRANK BAYHOUSE: Residence, Boise, Idaho; occupation, miner.

Sworn statement, No. 621, dated and filed Sept. 24th, 1902, filed for entry of North One-half of the Southeast Quarter and North Half of Southwest Quarter, Section 19, Tp. 7 North of Range 8 East, Boise Meridian.

Plaintiff's Exhibit No. 57B.

Notice for publication; final proof witnesses, Walter Joplin, George W. Butler, Patrick H. Downs, and John I. Wells.

Plaintiff's Exhibit No. 57C.

Non-mineral affidavit.

Plaintiff's Exhibit No. 57D.

Testimony of Frank Bayhouse, at final proof, dated February 5th, 1903.

Plaintiff's Exhibit No. 57E.

ANSWERS Given by Frank Bayhouse to Questions 16, 17 and 18, on Cross-examination, at Final Proof.

Answer to Ques. 16: I did, and I do.

Answer to Ques. 17: Have had part of it for 3 or 4 years, rest I earned working in the mines.

Answer to Ques. 18: No, my brother, Henry Bayhouse, does my banking for me.

Plaintiff's Exhibit No. 57F.

Testimony of witness, John I. Wells, at final proof.

Plaintiff's Exhibit No. 57G.

Cross-examination of witness, John I. Wells, at final proof.

Plaintiff's Exhibit No. 57H.

Receiver's receipt No. 2291, dated February 5th, 1903.

Plaintiff's Exhibit No. 57I.

Final certificate No. 2291, dated February 5th, 1903.

Plaintiff's Exhibit No. 57J.

Deed from Frank Bayhouse, to Horace S. Rand, dated February 17th, 1903; consideration \$800.00; acknowledged before L. M. Prichard, notary public, and filed for record at the request of W. E. Borah, July 1st 1904. Conveys land described in Exhibit 57A.

Plaintiff's Exhibit No. 57K.

Affidavit of publication.

Plaintiff's Exhibit No. 57L.

Cross-examination of witness, George W. Butler, on final proof.

Plaintiff's Exhibit No. 57M.

Testimony of witness, George W. Butler, on final proof.

Plaintiff's Exhibit No. 57N.

Affidavit of Frank Bayhouse, in re postponement date of final proof.

Plaintiff's Exhibits Nos. 58A to 58J.

Plaintiff's Exhibit No. 58A.

JOHN G. McDONALD: Residence, Boise, Idaho; occupation, contractor and painter.

Sworn statement, No. 390, dated and filed May 14th, 1902, filed for entry of West One-half of North-east Quarter, Southeast Quarter of Northwest Quarter, Northeast Quarter of Southwest Quarter, Section 31, Tp. 7 North of Range 5 East, Boise Meridian.

Plaintiff's Exhibit No. 58B.

Non-mineral affidavit.

Plaintiff's Exhibit No. 58C.

Notice for publication; witnesses for final proof; Henry T. James, C. H. Arbuckle, Susan Arbuckle, and Patrick H. Downs.

Plaintiff's Exhibit No. 58D.

Testimony of John G. McDonald at final proof, dated August 7th, 1902.

Plaintiff's Exhibit No. 58E.

ANSWERS Given by George G. McDonald to Questions 16, 17 and 18, on Cross-examination, at Final Proof.

Answer to Ques. 16: Yes.

Answer to Ques. 17: I have earned most of it and borrowed \$150.00 from a friend to make up enough for the payment.

Answer to Ques. 18: No.

Plaintiff's Exhibit No. 58F.

Testimony of witness, Patrick H. Downs, at final proof.

Plaintiff's Exhibit No. 58G.

Receiver's receipt, No. 2014, dated August 7th, 1902.

Plaintiff's Exhibit No. 58H.

Final certificate No. 2014, dated August 7th, 1902.

Plaintiff's Exhibit No. 58I.

Deed from John G. McDonald, to A. E. Palmer, dated August 9th, 1902; consideration \$1,000; acknowledged before L. M. Pritchard, and filed for record at the request of W. E. Borah, June 27th, 1904. Conveys land described in Exhibit No. 58A.

Plaintiff's Exhibit No. 58J.

Testimony of witness, H. T. James, at final proof.

Plaintiff's Exhibits Nos. 59A to 59K.**Plaintiff's Exhibit No. 59A.**

LEWIS L. FOLSOM: Residence, Boise, Idaho; occupation, clerk.

Sworn Statement No. 257, dated and filed Oct. 30th, 1901, for entry of Northeast Quarter of Northwest

Quarter of Section 18, and Southeast Quarter of Northwest Quarter and East Half of Southwest Quarter of Sec. 7, Tp. 7 North, of Range 5 East, Boise Meridian.

Plaintiff's Exhibit No. 59B.

Testimony of Lewis L. Folsom, at final proof, dated January 22nd, 1902.

Plaintiff's Exhibit No. 59C.

ANSWERS Given by Lewis L. Folsom, to Questions 16, 17 and 18, on Cross-examination, at Final Proof.

Answer to Ques. 16: Yes. I do.

Answer to Ques. 17: I borrowed \$300.00 from Capital State Bank of Boise yesterday. The balance I have had probably a year. I secured the bank by my personal note.

Answer to Ques. 18: I have. The Capital State Bank, Boise.

Plaintiff's Exhibit No. 59D.

Testimony of witness, Patrick H. Downs, on final proof.

Plaintiff's Exhibit No. 59E.

Cross-examination of witness, Patrick H. Downs, on final proof.

Plaintiff's Exhibit No. 59F.

Receiver's receipt, No. 1974, dated July 25th, 1902.

Plaintiff's Exhibit No. 59G.

Final certificate No. 1974, dated July 25th, 1902.

Plaintiff's Exhibit No. 59H.

Cross-examination of witness, Wm. W. Abrams, on final proof.

Plaintiff's Exhibit No. 59I.

Testimony of witness, Wm. W. Abrams, on final proof.

Plaintiff's Exhibit No. 59J.

Patent to Lewis L. Folsom, dated February 1st, 1904, for land described in Exhibit No. 59A.

Plaintiff's Exhibit No. 59K.

Deed from Lewis L. Folsom to A. E. Palmer, dated June 23d, 1903; consideration \$1,000.00; acknowledged before L. M. Pritchard, and filed for record at the request of W. E. Borah, February 29th, 1904. Conveys land described in Exhibit No. 59A.

Plaintiff's Exhibits Nos. 60A to 60H.**Plaintiff's Exhibit No. 60A.**

SUSIE A. YOUNGKIN: Residence, Boise, Idaho.

Sworn Statement No. —, dated and filed Sept. 8th, 1902, for entry of Lots 1 and 2, and South One-half of the Northeast Quarter, Section 2, Tp. 7 North of Range 7 East, Boise Meridian.

Plaintiff's Exhibit No. 60B.

Non-mineral Affidavit.

Plaintiff's Exhibit No. 60C.

Notice for Publication; witnesses for final proof, E. H. Starn, Aaron Ownbey, John A. Youngkin, Addie G. Gibberd.

Plaintiff's Exhibit No. 60—.

Notice for Re-publication; witnesses for final proof, Addie G. Gibberd, John A. Youngkin, Aaron Ownbey, Henrietta B. Martin.

Plaintiff's Exhibit No. 60D.

Testimony of Susie A. Youngkin, on final proof, dated March 24th, 1903.

Plaintiff's Exhibit No 60E.

ANSWERS Given by Susie A. Youngkin, to Questions 16, 17 and 18, on Cross-examination at Final Proof.

Answer to Ques. 16: I have paid all expenses, and expect to pay for land with my own money, part of which I have to borrow to do so.

Answer to Ques. 17: I borrowed \$200.00 from Mr. Gibbard. I have had balance in my possession from 6 mo. to 2 years. I earned same by doing sewing and other work.

Answer to Ques. 18: No.

Plaintiff's Exhibit No. 60F.

Receiver's Receipt, No. 2358, dated March 24th, 1903.

Plaintiff's Exhibit No. 60G.

Final Certificate No. 2358, dated March 24th, 1903.

Plaintiff's Exhibit No. 60H.

Deed from Susie A. Youngkin, and John A. Youngkin, to Horace S. Rand, dated March 28th, 1903; consideration \$2500.00; acknowledged before John M. Haines, Notary Public, filed for record at the request of Wm. E. Borah, June 23d, 1904. Conveys land described in Exhibit No. 60A.

Plaintiff's Exhibits Nos. 61A to 61M.

Plaintiff's Exhibit No. 61A.

EDWARD J. PHELPS: Residence, Boise, Idaho; occupation, real estate agent.

Sworn Statement No. 1515, dated and filed March 6th, 1905, for entry of South One-half of the Southeast Quarter, Northeast Quarter of the Southeast Quarter, Southeast Quarter of the Northeast Quarter, Section 17, Tp. 7 North of Range 5 East, Boise Meridian.

Plaintiff's Exhibit No. 61B.

Testimony of Edward J. Phelps, at final proof, dated May 13, 1905.

Plaintiff's Exhibit No. 61C.

ANSWERS Given by Edward J. Phelps, to Questions 16, 17 and 18, on Cross-examination, at Final Proof.

Answer to Ques. 16: I did. I do.

Answer to Ques. 17: From my savings. For many months.

Answer to Ques. 18: I have kept one at the Bank of Commerce, Boise, also at Capital State Bank, Boise.

Plaintiff's Exhibit No. 61D.

Cross-examination of witness, Harry Fisher, at final proof.

Plaintiff's Exhibit No. 61E.

Testimony of witness, Harry Fisher, at final proof.

Plaintiff's Exhibit No. 61F.

Cross-examination of witness, Thomas B. Martin, at final proof.

Plaintiff's Exhibit No. 61G.

Testimony of witness, Thomas B. Martin, at final proof.

Plaintiff's Exhibit No. 61H.

Notice for Publication; witnesses for final proof,
Harry Fisher, Thomas B. Martin, P. H. Downs,
Thomas L. Martin.

Plaintiff's Exhibit No. 61I.

Non-mineral Affidavit.

Plaintiff's Exhibit No. 61J.

Affidavit of Publication.

Plaintiff's Exhibit No. 61K.

Order of Register, continuing date of proof.

Plaintiff's Exhibit No. 61L.

Receiver's Receipt No. 3334, dated May 13, 1905.

Plaintiff's Exhibit No. 61M.

Final Certificate No. 3334, dated May 13th, 1905.

Plaintiff's Exhibits Nos. 62A to 62L.

Plaintiff's Exhibit No. 62A.

CHARLEY PATTERSON: Residence, Boise,
Idaho; occupation, clerk.

Sworn Statement, No. 347, dated and filed March
28th, 1902, for entry of Northwest quarter of Section
33, Tp. 6 North of Range 6 East, Boise Meridian.

Plaintiff's Exhibit No. 62B.

ANSWERS Given by Charley Patterson to Ques-
tions 16, 17 and 18, on Cross-examination at
Final Proof.

Answer to Ques. 16: Yes, sir, I did, and I do.

Answer to Ques. 17: I had \$120, and obtained a
check for \$300 this morning, from Fletcher Steen
Co. as an overdraft. I gave them no security.

Answer to Ques. 18: No, sir.

Plaintiff's Exhibit No. 62C.

Testimony of Charley Patterson at final proof, dated June 24, 1902.

Plaintiff's Exhibit No. 62D.

Cross-examination of witness, Wm. H. Lewin, at final proof.

Plaintiff's Exhibit No. 62E.

Testimony of witness, Wm. H. Lewin, at final proof.

Plaintiff's Exhibit No. 62F.

Cross-examination of witness, Edward E. Butler, at final proof.

Plaintiff's Exhibit No. 62G.

Testimony of witness Edward E. Butler, at final proof.

Plaintiff's Exhibit No. 62H.

Non-mineral Affidavit.

Plaintiff's Exhibit No. 62 I.

Notice for Publication; witnesses for final proof, E. E. Butler, Wm. H. Lewin, Smith Barker and John I. Wells.

Plaintiff's Exhibit No. 62J.

Final Certificate No. 1890, dated June 24, 1902.

Plaintiff's Exhibit No. 62K.

Receiver's Receipt No. 1890, dated June 24, 1902.

Plaintiff's Exhibit No. 62L.

Deed from Charley Patterson to A. E. Palmer dated March 27th, 1903; consideration, \$1,000; acknowledged before L. M. Pritchard, Notary Public,

filed Oct. 5th, 1903, at the request of Wm. E. Borah, for record. Conveys lands described in Exhibit 62A.

Plaintiff's Exhibits Nos. 63A to 63O.

Plaintiff's Exhibit No. 63B.

HARRY K. EAGLESON: Residence, Boise, Idaho; occupation, iceman.

Sworn Statement No. 606, dated and filed Sept. 19th, 1902, for entry of South One-half of the Northeast Quarter, and South Half of the Northwest Quarter Section 25, Tp. 7 North of Range 8 East.

Plaintiff's Exhibit No. 63A.

AFFIDAVIT OF HARRY K. EAGLESON, IN
RE POSTPONEMENT OF PROOF.

“UNITED STATES LAND OFFICE.

Boise, Idaho, January 29, 1903.

Harry K. Eagleson, being first duly sworn, deposes and says:

That he is the identical person who made timber and stone sworn statement #606 at this office on September 19, 1902, for the purchase of the S.1/2 NE.1/4 and S.1/2 NW.1/4, Sec. 25, Tp. 7 N., R. 8 E., B. M., and who advertised to offer proof on the 20th day of January, 1903, that he did not offer proof on that date or until this date for the reason that he did not get a payment of \$1,000, which was due him from the sale of some land and had to borrow the money to make the payments for the tract above described.

HARRY K. EAGLESON.

Subscribed and sworn to before me this 29th day of January, 1903.

EDWARD E. GARRETT,

Receiver.”

Plaintiff's Exhibit No. 63C.

Non-mineral Affidavit.

Plaintiff's Exhibit No. 63D.

Testimony of Harry K. Eagleson, at final proof, dated Jan. 29, 1903.

Plaintiff's Exhibit No. 63E.

ANSWERS of Harry K. Eagleson, to Questions, 16, 17 and 18, on Cross-examination at Final Proof.

Answer to Ques. 16: I paid for land with my own money, but borrow money to pay for land.

Answer to Ques. 17: Borrowed it from Capital State Bank, my brother and I signed a note. Tract not involved as security.

Answer to Ques. 18: Electric Ice Co. has a bank account, am a member of the firm.

Plaintiff's Exhibit No. 63F.

Notice for Publication; witnesses for final proof, Jacob B. Nusbaum, Emerson Sensenig, Benjamin C. Eagleson and Patrick H. Downs.

Plaintiff's Exhibit No. 63G.

Receiver's Receipt, No. 2289, dated January 29th, 1903.

Plaintiff's Exhibit No. 63H.

Final Certificate, No. 2289, dated January 29th, 1903.

Plaintiff's Exhibit No. 63I.

Deed from Harry K. Eagleson and Helen E. Eagleson dated February 16th, 1903, to Horace S.

Rand; consideration \$1600; acknowledged before L. M. Pritchard, Notary Public, and conveying land described in Exhibits 63B and 65A, filed for record at the request of W. E. Borah, June 23rd, 1904.

Plaintiff's Exhibit No. 63J.

Affidavit of Publication.

Plaintiff's Exhibit No. 63K.

Testimony of witness, Emerson S. Sensenig, at final proof.

Plaintiff's Exhibit No. 63L.

Cross-examination of witness, Emerson S. Sensenig, at final proof.

Plaintiff's Exhibit No. 63M.

Testimony of witness, Jacob V. Nusbaum, at final proof.

Plaintiff's Exhibit No. 63N.

Cross-examination of witness, Jacob V. Nusbaum at final proof.

Plaintiff's Exhibit No. 63O.

Patent dated March 24th, 1904, to Harry K. Eagleson, for land described in Exhibit 63B.

Plaintiff's Exhibits Nos. 64A to 64O.

Plaintiff's Exhibit No. 64A.

ALFRED BAYHOUSE: Residence, Boise, Idaho; occupation, florist.

Sworn Statement, No. 585, dated and filed Sept. 15th, 1902, for entry of Southeast Quarter of Section 3, Tp. 7 North of Range 8 East, Boise Meridian.

Plaintiff's Exhibit No. 64B.

Testimony of Alfred Bayhouse, on final proof, dated January 19, 1903.

Plaintiff's Exhibit No. 64C.

ANSWERS Given by Alfred Bayhouse to Questions 16, 17 and 18, on Cross-examination at Final Proof.

Answer to Ques. 16: I did, and I do.

Answer to Ques. 17: I earned it, and have had most of it about a year. I had all but about \$50.00, which I collected in the last few days.

Answer to Ques. 18: No.

Plaintiff's Exhibit No. 64D.

Testimony of witness, George T. Ellis, at final proof.

Plaintiff's Exhibit No. 64E.

Cross-examination of witness, George T. Ellis, at final proof.

Plaintiff's Exhibit No. 64F.

Testimony of witness, James F. Belk, at final proof.

Plaintiff's Exhibit No. 64G.

Cross-examination of witness, James F. Belk, at final proof.

Plaintiff's Exhibit No. 64H.

AFFIDAVIT OF ALFRED BAYHOUSE, IN RE
POSTPONEMENT OF FINAL PROOF.

“UNITED STATES LAND OFFICE,

Boise, Idaho, January 19, 1903.

Alfred Bayhouse, being first duly sworn, deposes and says: That he is the identical person who made

timber and stone sworn statement #585 at this office on September 15, 1902, for the SE. $\frac{1}{4}$ of Sec. 3, Tp. 7 N., R. 8 E., B. M., and who advertised to offer proof therefor on the 9th day of January, 1903; that he did not appear to offer proof on said 9th day of January, or until this date, for the reason that he could not collect his money on said date.

ALFRED BAYHOUSE.

Subscribed and sworn to before me this 19th day of January, 1903.

EDWARD E. GARRETT.

Receiver."

Plaintiff's Exhibit No. 64I.

Non-mineral Affidavit.

Plaintiff's Exhibit No. 64J.

Notice for Publication; witnesses for final proof, Merritt L. Twogood, James F. Belk, George T. Ellis, Henry Bayhouse.

Plaintiff's Exhibit No. 64K.

Affidavit of Publication.

Plaintiff's Exhibit No. 64L.

Receiver's Receipt, No. 2270, dated January 19th, 1903.

Plaintiff's Exhibit No. 64M.

Final Certificate No. 2270, dated January 19th, 1903.

Plaintiff's Exhibit No. 64N.

Affidavit of Publication.

Plaintiff's Exhibit No. 64O.

Deed from Alfred Bayhouse to Horace S. Rand, dated February 12th, 1903; consideration, \$800.00;

acknowledged before L. M. Pritchard, Notary Public, and filed for record June 23rd, 1904, at the request of W. E. Borah. Conveys land described in Exhibit No. 64A.

Plaintiff's Exhibits Nos. 65A to 65N.

Plaintiff's Exhibit No. 65A.

MRS. HELEN E. EAGLESON: Residence, Boise, Idaho.

Sworn Statement No. 654, dated and filed October 7th, 1902, for entry of South One-half of the Northwest Quarter Section 23, and South Half of the Northeast Quarter, Section 22, Tp. 7 North of Range 8 East, Boise Meridian.

Plaintiff's Exhibit No. 65B.

Notice for Publication; witnesses for final proof, Jacob B. Nusbaum, Walter Joplin, Patrick H. Downs, and John I. Wells.

Plaintiff's Exhibit No. 65C.

Testimony of Mrs. Helen E. Eagleson, at final proof, dated February 12, 1903.

Plaintiff's Exhibit No. 65D.

ANSWERS Given to Questions 16, 17 and 18, by Mrs. Helen E. Eagleson, on Cross-examination at Final Proof.

Answer to Ques. 16: I did, and I do.

Answer to Ques. 17: My husband gave it to me.

Answer to Ques. 18: No, but Mr. Eagleson has, and my money was with his.

Plaintiff's Exhibit No. 65E.

Non-mineral Affidavit.

Plaintiff's Exhibit No. 65F.

Receiver's Receipt No. 2301, dated February 12th, 1903.

Plaintiff's Exhibit No. 65G.

Final Certificate No. 2301, dated February 12th, 1903.

Plaintiff's Exhibit No. 65H.

Affidavit of Publication.

Plaintiff's Exhibit No. 65I.

Testimony of witness, Walter Joplin at final proof.

Plaintiff's Exhibit No. 65J.

Cross-examination of witness, Walter Joplin, at final proof.

Plaintiff's Exhibit No. 65K.

Testimony of witness Jacob V. Nusbaum, at final proof.

Plaintiff's Exhibit No. 65L.

Affidavit of Publication.

Plaintiff's Exhibit No. 65M.

Cross-examination of Jacob C. Nusbaum, at final proof.

Plaintiff's Exhibit No. 65N.

NON-ALIENATION AFFIDAVIT.

"UNITED STATES LAND OFFICE,

Boise, Idaho, February 12, 1903.

Mrs. Helen E. Eagleson, being first duly sworn, deposes and says:—That she is the identical person who made timber and stone sworn statement #654 at this office on October 7, 1902, for the purchase of

the S. $\frac{1}{2}$ NW. $\frac{1}{4}$, sec. 23, and S. $\frac{1}{2}$ NE. $\frac{1}{4}$, Sec. 22, Tp. 7 N., R. 8 E., B. M., and who advertised to offer proof on the 12th day of February, 1903; that she is a married woman; that she purposes to purchase said land with her separate money, in which her husband has no interest or claim; that said entry is made for her sole and separate use and benefit; that she has made no contract or agreement whereby any interest whatever therein will inure to the benefit of her husband or any other person, and that she has never made an entry under said act, or derived or had any interest whatever, directly or indirectly, in or from a former entry made by any person or association of persons.

Mrs. HELEN E. EAGLESON.

Subscribed and sworn to before me this 12th day of February, 1903.

EDWARD E. GARRETT,
Receiver."

Plaintiff's Exhibits Nos. 66A to 66K.

Plaintiff's Exhibit No. 66A.

SUSAN N. ARBUCKLE: Residence, Boise, Idaho; occupation, housewife.

Sworn Statement, No. 378, dated and filed May 3d, 1902, for entry of South One-half of the Southeast Quarter Northwest Quarter of the Southeast Quarter, and Southwest Quarter of Northeast Quarter, Section 19, Tp. 7 North of Range 5 East, Boise Meridian.

Plaintiff's Exhibit No. 66B.

Notice for Publication; witnesses for final proof, J. G. McDonald, H. T. James, Patrick H. Downs, and John I. Wells.

Plaintiff's Exhibit No. 66C.

Non-mineral Affidavit.

Plaintiff's Exhibit No. 66D.

Testimony of Susan N. Arbuckle, at final proof, dated July 24, 1902.

Plaintiff's Exhibit No. 66E.

ANSWERS Given by Susan N. Arbuckle, to Questions 16, 17 and 18, on Cross-examination, at Final Proof.

Answer to Ques. 16: Yes.

Answer to Ques. 17: The money is my own, and was given me as a present from my husband, a short time ago, sometime about May 1, 1902.

Answer to Ques. 18: No.

Plaintiff's Exhibit No. 66F.

Testimony of witness, Patrick H. Downs, at final proof.

Plaintiff's Exhibit No. 66G.

Receiver's Receipt, No. 1968, dated July 24th, 1902.

Plaintiff's Exhibit No. 66H.

Final Certificate, No. 1968, dated July 24th, 1902.

Plaintiff's Exhibit No. 66I.

Deed from Susan N. Arbuckle, and Charles H. Arbuckle, to A. E. Palmer, dated March 20th, 1903; consideration, \$1600; acknowledged before L. M.

Pritchard, conveying land described in Exhibits 66A and 67A, and filed for record July 10th, 1903, at the request of W. E. Borah.

Plaintiff's Exhibit No. 66J.

Testimony of witness, Henry T. James, at final proof of Charles H. Arbuckle.

Plaintiff's Exhibit No. 66K.

Testimony of witness, Henry T. James, at final proof of Susan N. Arbuckle.

Plaintiff's Exhibits Nos. 67A to 67H.

Plaintiff's Exhibit No. 67A.

CHARLES H. ARBUCKLE: Residence, Boise, Idaho; occupation, hotel-keeper.

Sworn Statement No. 376, dated and filed May 3d, 1902, for entry of Southwest Quarter of Northeast quarter, West One-half of Southeast Quarter, Section 27, and Northwest quarter of Northeast quarter, Section 34, Tp. 8 North of Range 5 East, Boise Meridian.

Plaintiff's Exhibit No. 67B.

Non-mineral Affidavit.

Plaintiff's Exhibit No. 67C.

Notice for Publication; witnesses for final proof, J. G. McDonald, H. T. James, John I. Wells, and Patrick H. Downs.

Plaintiff's Exhibit No. 67D.

Testimony of Charles H. Arbuckle, at final proof, dated July 24, 1902.

Plaintiff's Exhibit No. 67E.

ANSWERS of Charles H. Arbuckle, to Questions 16, 17 and 18, on Cross-examination, at Final Proof.

Answer to Ques. 16: Yes.

Answer to Ques. 17: I have been saving money for several years from my earnings. Most of it 2 years, and all for 1 year.

Answer to Ques. 18: No.

Plaintiff's Exhibit No. 67F.

Testimony of witness, Patrick H. Downs, at final proof.

Plaintiff's Exhibit No. 67G.

Receiver's Receipt No. 1967, dated July 24th, 1902.

Plaintiff's Exhibit No. 67H.

Final Certificate No. 1967, dated July 24th, 1902.

Plaintiff's Exhibits Nos. 68A to 68L.

NOTICES OF SUSPENSIONS.

Testimony of L. L. Sharp.

Plaintiff's Exhibit No. 68A.

NOTICE TO ABEL E. HUNTER.

**"DEPARTMENT OF THE INTERIOR,
UNITED STATES LAND OFFICE.**

Boise, Idaho, July 22, 1903.

Mr. Abel E. Hunter,
Centerville, Idaho.

Sir:—You are hereby notified that the Commissioner of the General Land Office, by letter dated June 8, 1903, has suspended your Timber and Stone

No. 227, for the SE. $\frac{1}{4}$, Section 14, Tp. 7 N., Range 5 E., Boise, Idaho, land district on charges contained in a report by a special agent.

The charges on which said T. & S. is suspended are summarized as follows:

John I. Wells of Boise, Idaho, was to pay all expenses in connection with the filing and proof, and afterward purchase the land; that applicant received of John I. Wells the money to pay the purchase price to the Government. That this applicant was to receive \$250, for his right of entry.

You will be allowed thirty days within which to file application in this office for a hearing, and your failure to apply for a hearing within the time specified will be taken as an admission of the truth of the charges against said entry, and the same will be cancelled.

Very respectfully,
EDWARD E. GARRETT,
Receiver."

"State of Idaho,
County of Boise,—ss.

George T. Young, being first duly sworn according to law, deposes and says that he is the postmaster at Centerville, Boise County, State of Idaho, that he is personally acquainted with one Able E. Hunter, who receives his mail at the said post office; that this affiant served the said party with a copy of the attached notice of the suspension of his Timber & Stone filing No. 227, in the Boise, Idaho land district, by delivering the same to him in per-

son on this 8th day of August, 1903, at Centerville, Idaho.

GEORGE T. YOUNG.

Subscribed and sworn to before me, this 8th day of August, 1903.

[Seal]

NORMAN H. YOUNG."

Notary Public.

“DEPARTMENT OF THE INTERIOR
UNITED STATES LAND OFFICE,
At Boise, Idaho.

In the Matter of the Application of Able E. Hunter,
to Purchase the SE. $\frac{1}{4}$, Sec. 14, Twp. 7 N., R.
5 E., B. M. Under his Timber and Stone
Sworn Statement No. 227.

Comes now, Able E. Hunter, the above-named applicant, and in compliance with the notice of the Register of the Land Office at Boise, Idaho, makes this his application to be allowed a hearing to determine the facts relative to charges made by Special Agent, summarised as follows:

‘John I. Wells of Boise, Idaho, was to pay all expenses in connection with the filing and proof and afterward to purchase the land. That applicant received of Mr. John I. Wells the money to pay purchase price to the Government, that the applicant was to receive \$250, for his right of entry.’

APPLICANT requests that he may be allowed to prove at said hearing that said entry was made in good faith for the sole use and benefit of the applicant, and not for speculation nor for the purpose of acquiring title in whole or in part for the

benefit of any other person, persons or corporation.

ABLE E. HUNTER.”

Plaintiff's Exhibit No. 68B.

NOTICE TO ALBERT P. HUGENT.

“DEPARTMENT OF THE INTERIOR
UNITED STATES LAND OFFICE.

Boise, Idaho, December 9, 1902.

Albert P. Hugent, Esq.,

Centerville, Idaho.

Sir:—You are hereby notified that the Commissioner of the General Land Office, by letter dated November 7, 1902, has suspended your T. & S. S. S., No. 225, for the E. $\frac{1}{2}$ NE. $\frac{1}{4}$, Sec. 15, SE. $\frac{1}{4}$ SE. $\frac{1}{4}$, Sec. 10, and SW. $\frac{1}{4}$, SW. $\frac{1}{4}$, Section 11, Tp. 7 N., Range 5 E., Boise, Idaho land district, on charges contained in a report by a special agent.

The charges on which said T. & S. S. S. is suspended are summarized as follows:

‘Tract said to be timber land, unfit for cultivation if cleared; that the entry was made in the interest of John I. Wells, and John Kinkaid, of Boise, Idaho, to secure valuable timber lands in the Boise district, who furnished claimant the money to make said entry, and that claimant agreed to transfer the land to them as soon as he secured title thereto.’

You will be allowed thirty days within which to file application in this office for a hearing, and your failure to apply for a hearing within the time specified will be taken as an admission of the truth of the

charges against said T. & S. S. S., and the same will be cancelled.

Very respectfully,
EDWARD E. GARRETT,
Receiver."

"State of Idaho,
County of Owyhee,—ss.

M. M. GEHHELL, being first duly sworn according to law, deposes and says that he is the postmaster at Silver City, State of Idaho, that he is personally acquainted with one Albert P. Nugent, who receives his mail at the said post office; that this affiant served the said party with a copy of the attached notice of the suspension of his Timber & Stone entry No. S. S. 225, in the Boise, Idaho land district, by delivering the same to him in person on this 14th day of December, 1902, at Silver City, Idaho.

M. M. GEHHELL.

Subscribed and sworn to before me this 15th day of December, 1902.

[Seal]

J. L. ST. CLAIR,
Clerk, District Court."

Plaintiff's Exhibit No. 68C.

NOTICE TO ARTHUR ANDERSON.
"DEPARTMENT OF THE INTERIOR
UNITED STATES LAND OFFICE.

Boise, Idaho, December 9, 1902.

Arthur Anderson,
Pioneerville, Idaho.

Sir: You are hereby notified that the Commissioner of the General Land Office, by letter dated

November 10, 1902, has suspended your T. & S. S. S., No. 226, for the E. $\frac{1}{2}$ NW. $\frac{1}{4}$, and W. $\frac{1}{2}$ NE. $\frac{1}{4}$, Section 15, Tp. 7 N., Range 5 E., B. M., Boise land district, on charges contained in a report by a special agent.

The charges on which said T. & S. S. S. is suspended are summarized as follows:

'Tract is timber land, probably mineral in character; that this entry was made in the interest and at the instance of John I. Wells, of Boise, Idaho, who is associated with one Patrick Downs, in carrying on an extensive timber land business, and that claimant made an agreement to transfer the land to Wells as soon as he obtained title thereto.'

You will be allowed thirty days within which to file application in this office for a hearing, and your failure to apply for a hearing within the time specified will be taken as an admission of the truth of the charges against said T. & S. S. S., and the same will be cancelled.

Yours respectfully,

EDWARD E. GARRETT,

Receiver."

"State of Idaho,
County of Boise,—ss.

H. JOYCE, being first duly sworn according to law, deposes and says that he is the postmaster at Pioneerville, State of Idaho, that he is personally acquainted with one Arthur Anderson, who receives his mail at the said post office; that this affiant served the said party with a copy of the attached notice of the suspension of his Timber & Stone S. S. No. 226

in the Boise, Idaho, land district, by delivering the same to him in person on this 19th day of December, 1902, at Pioneerville, Idaho.

H. JOYCE.

Subscribed and sworn to before me this 10th day of Jan., 1903.

[Seal]

NORMAN H. YOUNG,
Notary Public."

Plaintiff's Exhibit No. 68D.

NOTICE TO JAMES T. BALL.
"DEPARTMENT OF THE INTERIOR,
UNITED STATES LAND OFFICE.

Boise, Idaho, July 22, 1903.

Mr. James T. Ball,
Centerville, Idaho.

Sir: You are hereby notified that the Commissioner of the General Land Office, by letter dated June, 1903, has suspended your Timber & Stone No. 228, for the SW. $\frac{1}{4}$, Section 13, Tp. 7 N., Range 5 E., Boise, Idaho, land district on charges contained in a report by a special agent.

The charges on which said T. & S. is suspended are summarized as follows:

John I. Wells, of Boise, Idaho, was to pay all expenses in connection with the filing and proof, and afterward purchase the land; that applicant received of John I. Wells the money to pay the purchase price to the Government. That this applicant was to receive \$250, for his right of entry.

You will be allowed thirty days within which to file application in this office for a hearing, and your

failure to apply for a hearing within the time specified will be taken as an admission of the truth of the charges against said entry, and the same will be cancelled.

Very respectfully,

EDWARD E. GARRETT,

Receiver."

"State of Idaho,

County of Boise,—ss.

Francis J. Castle, being first duly sworn according to law, deposes and says that he is the postmaster at Garden Valley, Boise Co., State of Idaho, that he is personally acquainted with one James T. Ball who receives his mail at the said postoffice; *this* this affiant served the said party with a copy of the attached notice of the suspension of his Timber & Stone filing No. 228, in the Boise, Idaho land district, by delivering the same to him in person on this 4th day of Aug., 1903, at Garden Valley, Idaho.

FRANCIS J. CASTLE,

Asst. P. M.

Subscribed and sworn to before me this 1st day of September, 1903.

[Seal]

MILTON G. CAGE,

Notary Public."

Plaintiff's Exhibit No. 68E.

LETTER OF RECEIVER, TRANSMITTING
APPLICATION OF HARVEY H. WELLS,
FOR REHEARING.

“DEPARTMENT OF THE INTERIOR,
UNITED STATES LAND OFFICE,

Boise, Idaho, August 26, 1903.

Honorable Commissioner,
General Land Office,
Washington, D. C.

Sir: I have the honor to transmit, herewith, the application of Harvey H. Wells for a hearing in the matter of his suspended timber and stone application, sworn statement #224, for the purchase of the SW. $\frac{1}{4}$ Sec. 14, T. 7 N., R. 5 E., B. M.

The notice of suspension was transmitted to Special Agent, L. L. Sharp for personal service. No return has been filed.

Very respectfully,
EDWARD E. GARRETT,
Receiver.”

Plaintiff's Exhibit No. 68F.

LETTER OF RECEIVER, TRANSMITTING
APPLICATION OF JAMES T. BALL FOR
REHEARING.

“DEPARTMENT OF THE INTERIOR,
UNITED STATES LAND OFFICE,

Boise, Ida, August 26, 1903.

Honorable Commissioner,
General Land Office,
Washington, D. C.

Sir: I have the honor to transmit, herewith, application for hearing of James T. Ball, in the matter of the suspension, by letter “P” of June —, 1903, of his timber and stone application #228 for the purchase of the SW. $\frac{1}{4}$ Sec. 14, T. 7 N., R. 5 E., B. M.

The notice of suspension was transmitted to Special Agent, Louis L. Sharp for personal service. No return has been filed.

Very respectfully,

EDWARD L. GARRETT,

Receiver.”

Plaintiff's Exhibit No. 68G.

COPY LETTER OF C. R. PONCIA TO HON.
FRED T. DU BOIS, AND RECEIVER'S
CERTIFICATE TO COPY.

“Pioneerville, Boise Co., Idaho, 1-24-1902.

Hon. Fred T. Du Bois,
U. S. Senate,

Dear Sir: Your communication regarding the gigantic timber frauds in Boise County, Idaho, came

safe to hand. I am very glad to note the interest you take in the matter and can assure the people here appreciate your work. You speak about cross-examination at the Land Office, this I think was done according to rules, and just as you say, it was also sworn to in each instance. I shall inclose a Boise County paper, which will show you a good many who has not yet proved up but expect to as soon as the time of publication is up. I shall particular call your attention to two names who appear almost as witnesses on every claim, and also to the number of women who have taken claims, and in a majority of of instances has never seen the ground. The name of Patric Downs, this man goes and run the lines and then have some party take up the claim. He is employed by the corporation, who later buys up the claims. The other man is John Wells, whose P. O. Address is Boise, Idaho. This man has taken a claim himself, his wife also, and has given others the money, (whose names I will herewith enclose) to prove up with and, who also attends to the deeding of the claim, after proving up either to himself or the corporation. The name of the corporation I do not know, but the land office at Boise, Idaho, do know, for it asked them that proved up whether they took it up for the corporation, or whether they were going to transfer their claim to said corporation, hence, I think the Land Office knows if these people be allowed to keep their claims, then Boise County must take a back seat as a producer. It is all mineral land and think am justified in saying that each claim has one or more mineral veins or lodes, perhaps not all in

paying quantities, still the mineral is there, and the land can not or should not come under the timber and stone act. There is not a mine here that could afford to pay stumpage, which they would have to do if the corporation gets the land now advertised.

Each claimant gets \$237.50 for his claim, paying his own expenses to the Capital. John Wells gets \$25 from each claimant. Each one with the exception of one or two, got money from John Wells to prove up with and immediately transferred their claim after proving up either to him or the company.

This list has proved up, Arthur Anderson, Pioneer-ville, Boise Co., Idaho, Hal H. Wells, Boise, Ada County, Idaho, Bert Nugent, Idaho City, Boise County, Idaho, James Ball, Garden Valley, Boise County, Idaho, John Wells, Boise, Ada County, Idaho, Mrs. John Wells, Boise, Ada County, Idaho, Homer Granger, Centerville, Boise County, Idaho, Mrs. Homer Granger, Centerville, Boise County, Idaho, Able Edward Hunter, Centerville, Boise County, Idaho, Mrs. Katie Hunter, Centerville, Boise County, Idaho, Thad M. Glass, Centerville, Boise County, Idaho.

The last named, Mr. Glass did use his own money to prove up with, and as I understand still retains the land as well as Mr. and Mrs. Hunter. The balance all proved up with money given them by Mr. Wells, and also transferred their property. They have still \$100 coming to them which they will get when they get a U. S. patent. When they do, I understand are to sign another paper, this making the transfer complete. I am indebted for this informa-

tion to Mr. Arthur Anderson, the first man on the list. He feels very bad about the affair, and sincerely wishes that he never had anything to do with it. He is a very truthful man, or rather always has been respected and liked by everybody who knows him. I would suggest and ask that he be not punished as I am confident he will, on the stand, tell all he knows about it. I think the bad advice from an attorney has had a lot to do with it. I trust and hope that you will be able to prevent this wholesale land grabbing. I shall as aforesaid, enclose the weekly newspaper with a lot of more entrys. Wishing you success in every way, and hoping that you will succeed in stopping the outrage,

I am,

Yours truly,

C. R. PONCIA."

NELSON BOTTCHER.

"I, Edward E. Garrett, Receiver of the U. S. Land Office at Boise, Idaho, do hereby certify that the above and foregoing is a full, true and correct transcript of a copy of letter of C. R. Poncia and Nelson Bottcher, which copy of letter was this day presented and compared herewith.

In witness whereof, I have hereunto set my hand this 29th day of December, 1903.

EDWARD E. GARRETT,

Receiver."

(Endorsed: Plaintiff's Exhibit 'E.')

Plaintiff's Exhibit No. 68H.**DECISION OF REGISTER AND RECEIVER
IN UNITED STATES vs. HARVEY H.
WELLS.**

“UNITED STATES LAND OFFICE.

Boise, Idaho, April 9, 1904.

Involving timber and stone filing No. 224, for the
SW. $\frac{1}{4}$, Sec. 14, T. 7 N., R. 5 E., B. M.

UNITED STATES,

vs.

HARVEY H. WELLS.

DECISION OF REGISTER AND RECEIVER.

On September 24, 1901, Harvey H. Wells, of Centerville, Boise County, Idaho, filed timber and stone sworn statement No. 224, at this office, for the purchase of the SW. $\frac{1}{4}$, Sec. 14, T. 7 N., R. 5 E., B. M. Proof was set for hearing at this office on December 5, 1901, the same not being offered until December 10, 1901. No certificate or receipt was issued.

By Commissioner's letter of June 6, 1903, the entry was suspended on report of a special agent, the Commissioner stating:

There is no separate report on this case but October 22, 1902, Special Agent Sharp submitted a report, covering this among other applications, in which report Albert P. Nugent, claimant in timber and stone filing #225, states in part as follows:

That at the time of application the following parties also filed, viz.: Arthur Anderson, James T. Ball, Able Edward Hunter and H. H. Wells; that they made their applications under conditions identical

with those governing his in that it was expressly agreed that John I. Wells, of Boise, was to pay all expenses and afterward purchase the land; that they received \$412.50 in each others presence of which \$400 was to pay for the land and \$12.50 was an advance on the \$250.00 they were to receive for their right of entry.

July 22, 1903, notice of the suspension was issued and served personally on the claimant. Application for hearing was filed August 21, 1903, hearing being ordered by letter "P" of October 7, 1903. Notice of hearing issued from this office fixing hearing on December 9, 1903.

On December 9, 1903, the case was regularly called, Special Agent L. L. Sharp, appearing for the Government, the defendant appearing personally and by his counsel, H. S. Worthman, Esq. At request of the special agent, M. G. Cage, Esq., was entered as counsel for the Government, assisting the special agent, to which the defendant objected. At request of H. S. Worthman for the defense, Frank Martin, Esq., was entered as associate counsel. The taking of testimony in the case was postponed until the conclusion of the case of the United States vs. Arthur Anderson, which was set for hearing on the same date.

On December 30, 1903, the taking of testimony in case of United States vs. Arthur Anderson having been concluded, this case was duly called, all parties being present in person. By stipulation of the respective counsel, the cases of the United States vs. Able Edward Hunter, James T. Ball and Harvey H. Wells, which involved the same question affecting

each entry, the witnesses being the same, were consolidated, and it was further stipulated that the testimony taken in the case of the United States vs. Arthur Anderson should be considered "as having been introduced in these three cases tried together in so far as such testimony and evidence in any manner affects the question involved in said above mentioned three cases, or either of them, and is material thereto." The submittal of testimony was concluded on December 31, 1903.

From the testimony presented in the case of the United States vs. Arthur Anderson and the consolidated cases of United States vs. Hunter, Ball and Wells, it appears that Arthur Anderson, Albert P. Nugent, James T. Ball, Abel Edward Hunter and this defendant came to Boise about the same time in September, 1901, and made timber and stone filings on land in the same locality; that the proofs were set for hearing on December 5 and 6, 1901; that they all came to Boise on or about December 4, 1901, proofs not being tendered until December 10, 1901.

From a consideration of the testimony presented in the case of the United States vs. Arthur Anderson and in this case, and from our knowledge of the circumstances, it appears that the several parties made their filings and proofs under practically the same conditions. *It clearly* evident to us that this filing was made from the same impulse as that of Arthur Anderson and therefore that the entryman was not offering the purchase for his own use and benefit, but was making the entry in the interest of other parties.

We hold that said timber and stone filing No. 224 should be cancelled.

HARRY J. SYMS,
Register.

EDWARD E. GARRETT,
Receiver."

Plaintiff's Exhibit No. 68 I.

**DECISION OF REGISTER AND RECEIVER
IN UNITED STATES vs. ABEL EDWARD
HUNTER.**

"UNITED STATES LAND OFFICE.

Boise, Idaho, April 9, 1904.

Involving timber and stone filing No. 227, for the SE.

$\frac{1}{4}$ Sec. 14, T. 7 N., R. 5 E., B. M.

UNITED STATES

vs.

ABLE EDWARD HUNTER.

DECISION OF REGISTER AND RECEIVER.

On September 25, 1901, Able Edward Hunter, of Centerville, Boise County, Idaho, filed timber and stone sworn statement No. 227, at this office, for the purchase of the SE. $\frac{1}{4}$ Sec. 14, T. 7 N., R. 5 E., B. M. Proof was set for hearing at this office on December 5, 1901, the same not being offered until December 10, 1901. No certificate or receipt was issued at that time. Cash receipt No. 1984 issued on July 29, 1902.

By Commissioner's letter of June 8, 1903, the entry was suspended on report of a special agent, the Commissioner stating:

There is no separate report in this case but October 22, 1902, Special Agent Sharp submitted a re-

port, covering this among other cases, in which report Albert P. Nugent, claimant in timber and stone application #225, states in part as follows: That at the time of making application the following parties also made application, viz.: Arthur Anderson, James T. Ball, Able Edward Hunter and H. H. Wells; that they made the applications under conditions identical with those governing his in that it was expressly agreed that John I. Wells, of Boise, was to pay all expenses and afterward purchase the land; that they received \$412.50 in each other's presence of which \$400 was to pay for the land and \$12.50 was an advance on the \$250.00 they were to receive for their right of entry.

Notice of the suspension was served personally on the claimant the return being filed August 24, 1903. Application for hearing was filed August 26, 1903, hearing being ordered by letter "P" of October 1, 1903. Notice of hearing issued from this office fixing hearing on December 9, 1903.

On December 9, 1903, the case was regularly called, Special Agent L. L. Sharp, appearing for the Government, the defendant appearing personally and by his counsel H. S. Worthman, Esq. At request of the special agent, M. G. Cage, Esq., was entered as counsel for the Government, assisting the special agent, to which the defendant objected. At request of H. S. Worthman for the defense, Frank Martin, Esq., was entered as associate counsel. The taking of the testimony in the case was postponed until the conclusion of the case of the United States vs. Arthur Anderson, which was set for hearing on the same date.

On December 30, 1903, the taking of testimony in case of United States vs. Arthur Anderson having been concluded, this case was duly called, all parties being present in person. By stipulation of the respective counsel, the cases of the United States vs. Able Edward Hunter, James T. Ball and Harvey H. Wells, which involved the same question affecting each entry, the witnesses being the same, were consolidated, and it was further stipulated that the testimony taken in the case of the United States vs. Arthur Anderson should be considered "as having been introduced in these three cases tried together in so far as such testimony and evidence in any manner affects the question involved in said above mentioned three cases, or either of them, and is material thereto." The submittal of testimony was concluded on December 31, 1903.

From the testimony presented in the case of the United States vs. Arthur Anderson and the consolidated cases of United States vs. Hunter, Ball, and Wells, it appears that Arthur Anderson, Albert P. Nugent, James T. Ball, Harvey H. Wells and this defendant came to Boise about the same time in September, 1901; and made timber and stone filings on land in the same locality; that the proofs were set for hearing on December 5 and 6, 1901; that they all came to Boise on or about December 4, 1901, proofs not being tendered until December 10, 1901.

From a consideration of the testimony presented in the case of the United States vs. Arthur Anderson and in this case, and from our knowledge of the circumstances, it appears that the several parties made

their filings and proofs under practically the same conditions. It is clearly evident to us that this filing and entry was made from the same impulse as that of Arthur Anderson, and therefore that the entryman was not offering the purchase for his own use and benefit, but was making the entry in the interest of other parties.

We hold that said timber and stone filing No. 227 and cash entry No. 1984 should be cancelled.

HARRY J. SYMS,
Register.

EDWARD E. GARRETT,
Receiver."

Plaintiff's Exhibit No. 68J.

Testimony taken in re suspension of Arthur Anderson et al.

Plaintiff's Exhibit No. 68K.

LETTER OF SECRETARY OF INTERIOR IN
RE APPEAL OF JAMES T. BALL.

"DEPARTMENT OF THE INTERIOR,
WASHINGTON.

33-364.

May, 24, 1905.

UNITED STATES,

vs.

JAMES T. BALL.

The Commissioner of the

General Land Office,

Sir:

An appeal has been filed by James T. Ball from the decision of your office of November 19, 1904, sustaining the decision of the local officers in rejecting his timber and stone application, and the final proof

submitted to him, covering the SW. $\frac{1}{4}$, of Sec. 13, T. 7 N., R. 5 E., Boise, Idaho.

By stipulation this case was consolidated with those of United States v. Able Edward Hunter and United States v. Harvey H. Wells, the testimony taken therein to be considered in determining the three cases; and it was further stipulated that the testimony taken in the case of Arthur Anderson from the same land district, should also be considered in connection with said three cases.

Upon careful examination of all the matters presented by the combined records, no good reason appears for disturbing the action taken by your office and the same is hereby affirmed.

The papers are returned.

Very respectfully,

E. A. HITCHCOCK,

Secretary."

Plaintiff's Exhibit No. 68L.

LETTER OF SECRETARY OF INTERIOR IN
RE APPEAL OF ABEL EDWARD HUNTER.

"DEPARTMENT OF THE INTERIOR,

WASHINGTON.

33-363.

May, 24, 1905.

On Review.

UNITED STATES,

vs.

ABLE EDWARD HUNTER.

The Commissioner of the

General Land Office.

Sir:

An appeal has been filed by Able Edward Hunter

from the decision of your office of November 19, 1904, sustaining the decision of the local officers in holding for cancellation his timber and stone entry for the SE. $\frac{1}{4}$ of Sec. 14, T. 7 N., R. 5 E., Boise, Idaho.

By stipulation this case was consolidated with those of United States v. James T. Ball and United States v. Harvey H. Wells, the testimony taken therein to be considered in determining the three cases; and it was further stipulated that the testimony taken in the case of United States v. Arthur Anderson from the same land district should also be considered in connection with said three cases.

Upon careful examination of all the matters presented by the combined records no good reason appears for disturbing the action taken by your office and the same is hereby affirmed.

Very respectfully,

E. A. HITCHCOCK,

Secretary."

Plaintiff's Exhibits Nos. 69J to 69N.

Plaintiff's Exhibit No. 69J.

GUSTAV A. LINK: Residence, Boise; Occupation, Laborer.

Sworn Statement, No. 263, dated and filed Nov. 1st, 1901, for entry of Southwest Quarter of Section 24, Tp. 7 North of Range 5 East, Boise Meridian.

Plaintiff's Exhibit No. 69K.

Testimony of Gustav A. Link, at final proof, dated January 29, 1902.

Plaintiff's Exhibit No. 69L.

ANSWERS Given by Gustav A. Link to Questions 16, 17 and 18, on Cross-examination at Final Proof.

Answer to Ques. 16: Yes, sir. Yes, sir.

Answer to Ques. 17: Worked for it. I always got money—sometime more than this—have more now.

Answer to Ques. 18: I do. Bank of Commerce, in Boise.

Plaintiff's Exhibit No. 69M.

Final Certificate No. 1957, dated July 22, 1902.

Plaintiff's Exhibit No. 69N.

Receiver's Receipt No. 1957, dated July 22, 1902.

Plaintiff's Exhibit No. 69H.

Deed from Gustav A. Link and Mary Link to A. E. Palmer, dated June 19th, 1903; consideration \$2,000.00; acknowledged before L. M. Pritchard, Notary Public, conveying land described in Exhibit No. 69J and 70B, and filed for record February 29th, 1904, at the request of Wm. E. Borah.

Plaintiff's Exhibit No. 69I.

Patent dated Feb. 1st, 1904, to Gustav A. Link, for land described in Exhibit No. 69J.

NOTE: See other exhibits under 69 series, with exhibits of Mary A. Link, No. 70, etc.

Plaintiff's Exhibits Nos. 69A to 69G, and 70A to 70F.

Plaintiff's Exhibit No. 70B.

MRS. MARY LINK: Residence, Boise, Idaho.

Sworn Statement, No. 264, dated and filed Nov. 1st, 1901, for entry of North Half of the Southeast

quarter, Section 22, and North half of Southwest quarter, Section 23, Tp. 7 North of Range 5 East, Boise Meridian.

Plaintiff's Exhibit No. 70A.

Patent to Mary Link, dated Feb. 1st, 1904, for land described in Exhibit 70B.

Plaintiff's Exhibit No. 70C.

ANSWERS Given by Mary Link to Questions 16, 17 and 18 on Cross-examination, at Final Proof.

Answer to Ques. 16: Yes, sir. Yes, sir.

Answer to Ques. 17: I worked for it. I worked in Atlanta last summer, cooking for the miners. About six months, some I had longer.

Answer to Ques. 18: Yes, sir; Bank of Commerce, Boise, Idaho.

Plaintiff's Exhibit No. 70D.

Testimony of Mary Link, at final proof, dated January 29, 1902.

Plaintiff's Exhibit No. 70E.

Receiver's Receipt No. 2022, dated Aug. 19th, 1902.

Plaintiff's Exhibit No. 70F.

Final Certificate No. 2022, dated Aug. 19th, 1902.

NOTE: See note reference to Exhibits of Mary Link, in connection with Exhibits Gustav Link, No. 69, etc.

Plaintiff's Exhibit No. 69A.

Testimony of witness, Patrick H. Downs, at final proof, Mary Link.

Plaintiff's Exhibit No. 69B.

Cross-examination of Patrick H. Downs, at final proof, witness.

Plaintiff's Exhibit No. 69C.

Testimony of witness, Charles Nelson, at final proof, Mary Link.

Plaintiff's Exhibit No. 69D.

Cross-examination of witness, Charles Nelson, at final proof.

Plaintiff's Exhibit No. 69E.

Missing.

Plaintiff's Exhibit No. 69F.

Notice for Publication; witnesses for final proof, Charles Nelson, Louisa B. West, Patrick H. Downs, Henry A. Snow.

Plaintiff's Exhibit No. 69G.

Affidavit of Publication.

Plaintiff's Exhibits Nos. 71A to 71N.

Plaintiff's Exhibit No. 71A.

HENRY BAYHOUSE: Residence, Boise, Idaho; Occupation, Clerk.

Sworn Statement, No. 586, dated and filed Sept. 15th, 1902, for entry of Southwest Quarter of Section 3, Tp. 7 North of Range 8 East, Boise Meridian.

Plaintiff's Exhibit No. 71B.

Testimony of Henry Bayhouse, at final proof, dated January, 9, 1903.

Plaintiff's Exhibit No. 71C.

ANSWERS Given by Henry Bayhouse, to Questions 16, 17, and 18, on Cross-examination at Final Proof.

Answer to Ques. 16: I did, and I do.

Answer to Ques. 17: Earned it by working; have had it at least five years.

Answer to Ques. 18: Yes. First National Bank, Boise, Ida.

Plaintiff's Exhibit No. 71D.

Cross-examination of witness, Patrick H. Downs, at final proof.

Plaintiff's Exhibit No. 71E.

Testimony of witness, Patrick H. Downs, at final proof.

Plaintiff's Exhibit No. 71F.

Notice for Publication; final proof witnesses, Robert Bayhouse, Merrett L. Twogood, Edward E. Butler, Patrick H. Downs.

Plaintiff's Exhibit No. 71G.

Non-mineral Affidavit.

Plaintiff's Exhibit No. 71H.

Receiver's Receipt, No. 2257, dated January 9th, 1903.

Plaintiff's Exhibit No. 71I.

Final Certificate No. 2257, dated January 9th, 1903.

Plaintiff's Exhibit No. 71J.

Deed from Henry Bayhouse to Horace S. Rand, dated February 12th, 1903; consideration, \$950.00; acknowledged before L. M. Pritchard, Notary Public, and filed for record on June 23d, 1904, at the request of W. E. Borah. Conveys land described in Exhibit No. 71A.

Plaintiff's Exhibit No. 71K.

Cross-examination of witness, Merritt L. Twogood at final proof.

Plaintiff's Exhibit No. 71L.

Testimony of witness, Merritt L. Twogood, at final proof.

Plaintiff's Exhibit No. 71M.

Affidavit of Publication.

Plaintiff's Exhibit No. 71N.

Affidavit of Publication.

Plaintiff's Exhibits Nos. 72A to 72 I.

Plaintiff's Exhibit No. 72A.

JACKSON OWNBEY: Residence, Halfway House, Boise County, Idaho; Occupation, Farmer.

Sworn Statement, No. 540, dated and filed Aug. 30th, 1902, for entry of Northwest Quarter of Section 13, Tp. 7 North of Range 7 East, Boise Meridian.

Plaintiff's Exhibit No. 72B.

Notice for Publication; witnesses for final proof, James Ownbey, Harrison Ownbey, Mary E. Ownbey, and Patrick H. Downs.

Plaintiff's Exhibit No. 72C.

Non-mineral Affidavit.

Plaintiff's Exhibit No. 72D.

Testimony of Jackson Ownbey, at final proof, dated December 11, 1902.

Plaintiff's Exhibit No. 72E.

ANSWERS on Cross-examination, given by Jackson Ownbey, to Questions 16, 17 and 18, on Final Proof.

Answer to Ques. 16: Yes.

Answer to Ques. 17: I keep a deposit at the banks all the time, have had this amount 12 months.

Answer to Ques. 18: Bank of Commerce, Boise, Idaho.

Plaintiff's Exhibit No. 72F.

Testimony of witness, Patrick Downs, on final proof.

Plaintiff's Exhibit No. 72G.

Receiver's Receipt No. 2209, dated Dec. 11th, 1902.

Plaintiff's Exhibit No. 72H.

Final Certificate No. 2209, dated Dec. 11th, 1902.

Plaintiff's Exhibit No. 72I.

Deed from Jackson Ownbey to Horace S. Rand, dated Feb. 9, 1903, consideration, \$950, acknowledged before Walter S. Walker, Notary Public, and filed for record, June 23rd, 190—, at the request of W. E. Borah. Conveys land described in Exhibit No. 72A.

Plaintiff's Exhibits Nos. 73A to 73H.

Plaintiff's Exhibit No. 73A.

MARY E. OWNBEY: Residence, Halfway House, Boise County, Idaho; Occupation, Housekeeper.

Sworn Statement, No. 541, for entry of (dated and filed August 30th, 1902) Lot 2, and Southwest Quarter of Northeast Quarter, and West One-half of the Southeast Quarter of Section 3, Tp. 7 North of Range 7 East, Boise Meridian.

Plaintiff's Exhibit No. 73B.

Notice for Publication; witnesses for Final Proof,

Jackson Ownbey, Harrison Ownbey, James Ownbey and Patrick H. Downs.

Plaintiff's Exhibit No. 73C.

Non-mineral Affidavit.

Plaintiff's Exhibit No. 73D.

Testimony of Mary E. Ownbey on final proof, dated December 11, 1902.

Plaintiff's Exhibit No. 73E.

ANSWERS Given by Mary E. Ownbey, to questions 16, 17 and 18, on Cross-examination, at Final Proof.

Answer to Ques. 16: Yes.

Answer to Ques. 17: I got the money from my husband this morning. Have not kept separate funds.

Answer to Ques. 18: No.

Plaintiff's Exhibit No. 73F.

Receiver's Receipt No. 2212, dated Dec. 11th, 1902.

Plaintiff's Exhibit No. 73G.

Final Certificate No. 2212, dated Dec. 11th, 1902.

Plaintiff's Exhibit No. 73H.

Deed from Mary E. Ownbey and Jackson Ownbey, to Horace S. Rand, dated Feb. 9th, 1903; consideration, \$950.00; acknowledged before Walter S. Walker, conveying land described in Exhibit 73A, and filed for record at the request of W. E. Borah, 23d, June, 1904.

Plaintiff's Exhibits Nos. 74A to 74 O.**Plaintiff's Exhibit No. 74A.**

MRS. DELILAH BAYHOUSE: Residence, Boise, Idaho; Occupation, Housewife.

Sworn Statement No. 623, dated and filed Sept. 24th, 1902, for entry of Northwest Quarter of Section 27, Tp. 7 North of Range 8 East, Boise Meridian.

Plaintiff's Exhibit No. 74B.

Testimony of Mrs. Delilah Bayhouse, at final proof, dated January, 28th, 1903.

Plaintiff's Exhibit No. 74C.

ANSWERS Given by Mrs. Delilah Bayhouse to Questions 16, 17 and 18, on Cross-examination at Final Proof.

Answer to Ques. 16: Yes.

Answer to Ques. 17: The money I earned in my business as dressmaker. Have owned this amount 4 or 5 years, and some longer.

Answer to Ques. 18: Have not kept a bank account. Part of the money I had loaned out until a few days ago.

Plaintiff's Exhibit No. 74D.

Testimony of witness, John I. Wells, at final proof.

Plaintiff's Exhibit No. 74E.

Cross-examination of John I. Wells, at final proof, witness.

Plaintiff's Exhibit No. 74F.

Notice for Publication, witnesses for final proof, Wm. F. Noble, George W. Butler, Patrick H. Downs, and John I. Wells.

Plaintiff's Exhibit No. 74G.

Non-mineral Affidavit.

Plaintiff's Exhibit No. 74H.

Receiver's Receipt, No. 2284, dated January 28th, 1903.

Plaintiff's Exhibit No. 74I.

Final Certificate No. 2284, dated January 28th, 1903.

Plaintiff's Exhibit No. 74J.

Affidavit of Publication.

Plaintiff's Exhibit No. 74K.

Missing.

Plaintiff's Exhibit No. 74L.

Cross-examination of witness, Wm. F. Noble, at final proof.

Plaintiff's Exhibit No. 74M.

Testimony of witness, Wm. F. Noble, at final proof.

Plaintiff's Exhibit No. 74N.

Deed from Mrs. Delilah Bayhouse, and Hugo Bayhouse, to Horace S. Rand; consideration \$800.00, dated Feb. 12th, 1903, acknowledged before L. M. Pritchard, filed for record June 23rd, 1904, at the request of W. E. Borah. Conveys land described in Exhibit No. 74A.

Plaintiff's Exhibit No. 74O.

Patent dated May 24th, 1904, to Mrs. Delilah Bayhouse, for land described in Exhibit 74A.

Plaintiff's Exhibits Nos. 75A to 75G.**Plaintiff's Exhibit No. 75A.**

SONORA A. JOPLIN: Residence, South Boise, Idaho; Occupation, Housekeeper.

Sworn Statement No. 645, dated and filed October 2d, 1902, for entry of Southwest quarter of Section 33, Tp. 7 North of Range 8 East.

Plaintiff's Exhibit No. 75B.

Testimony of Sonora A. Joplin, on final proof, dated March 19, 1903.

Plaintiff's Exhibit No. 75C.

ANSWERS Given by Sonora A. Joplin, on Final Proof, to Questions 16, 17 and 18, on Cross-examination.

Answer to Ques. 16: Yes, sir, I do.

Answer to Ques. 17: From the sale of ranch produce, and keeping boarders, and house rents. Have been accumulating it for some time; could not say how long I have had all of it. Have had sufficient money to make the investment for several years.

Answer to Ques. 18: No, sir, I don't accumulate enough to place it in the bank.

Plaintiff's Exhibit No. 75D.

Final Certificate No. 2350, dated March 19th, 1903.

Plaintiff's Exhibit No. 75E.

Receiver's Receipt No. 2350, dated March 19th, 1903.

Plaintiff's Exhibit No. 75F.

Deed from Sonora A. Joplin to Horace S. Rand, dated March 25th, 1903; consideration, \$950.00,

acknowledged before L. M. Pritchard, Notary Public, and filed for record July 1st, 1904, at the request of W. E. Borah. Conveys land described in Exhibit No. 75A.

Plaintiff's Exhibit No. 75G.

Patent dated Aug. 23rd, 1904, to Sonora A. Joplin, for land described in Exhibit No. 75A, in Boise Meridian.

Plaintiff's Exhibits Nos. 76A to 76Q.

Plaintiff's Exhibit No. 76A.

WALTER JOPLIN: Residence, Boise, Idaho; Occupation, Teamster.

Sworn Statement, No. 613, dated and filed Sept. 23d, 1902, for entry of West One-half of the Northeast quarter, Southeast quarter of Northeast quarter, and Northeast quarter of Southeast Quarter, Section 20, Tp. 7 North, of Range 8 East, Boise Meridian.

Plaintiff's Exhibit No. 76B.

Testimony of Walter Joplin, at final proof, dated May 4, 1903.

Plaintiff's Exhibit No. 76C.

ANSWERS Given by Walter Joplin to Questions 16, 17 and 18, on Cross-examination, at Final Proof.

Answer to Ques. 16: Yes. Yes, sir.

Answer to Ques. 17: Worked for it, saving for 3 or 4 years, and borrowed part from my mother, Mrs. S. A. Joplin. Some had for year.

Answer to Ques. 18: No, sir.

Plaintiff's Exhibit No. 76D.

Receiver's Receipt No. 2405, dated May 4th, 1903.

Plaintiff's Exhibit No. 76E.

Final Certificate No. 2405, dated May 4th, 1903.

Plaintiff's Exhibit No. 76F.

Deed from Walter Joplin to Horace S. Rand, dated May 14th, 1903; consideration, \$1100.00, acknowledged before L. M. Pritchard, Notary Public, and filed for record at request of W. E. Borah, July 1st, 1904. Conveys land described in Exhibit No. 76A.

Plaintiff's Exhibit No. 76G.

Affidavit of Publication.

Plaintiff's Exhibit No. 76H.

Notice for Publication; witnesses for final proof, Edgar E. Bush, George Butler, Patrick H. Downs, and John I. Wells.

Plaintiff's Exhibit No. 76I.

Notice for Publication; witnesses for final proof, Edgar E. Bush, George Butler, Patrick H. Downs, and John I. Wells.

Plaintiff's Exhibit No. 76J.

Affidavit of Walter Joplin in re postponement date of proof.

Plaintiff's Exhibit No. 76K.

Affidavit of Walter Joplin, in re postponement date of proof.

Plaintiff's Exhibit No. 76L.

Non-mineral Affidavit.

Plaintiff's Exhibit No. 76M.

Cross-examination of witness, Edgar E. Bush, at final proof.

Plaintiff's Exhibit No. 76N.

Testimony of witness, Edgar E. Bush, at final proof.

Plaintiff's Exhibit No. 76O.

Cross-examination of witness, George W. Butler, at final proof.

Plaintiff's Exhibit No. 76P.

Testimony of witness, George W. Butler, at final proof.

Plaintiff's Exhibit No. 76Q.

Patent dated July 26th, 1904, to Walter Joplin, for land described in Exhibit 76A.

Plaintiff's Exhibits Nos. 77A to 77N.

Plaintiff's Exhibit No. 77A.

FRANK P. WEASEL: Residence, Boise, Idaho; Occupation, Teamster.

Sworn Statement No. 804, dated and filed April 22d, 1903, for entry of Southeast Quarter of Section 31, Tp. 7 North of Range 8 East, Boise Meridian.

Plaintiff's Exhibit No. 77B.

Notice for Publication; witnesses for final proof, George York, George Butler, Walter Joplin, Edward Bush.

Plaintiff's Exhibit No. 77C.

Non-mineral Affidavit.

Plaintiff's Exhibit No. 77D.

Testimony of Frank T. Weasel at final proof, dated July 13, 1903.

Plaintiff's Exhibit No. 77E.

ANSWERS of Frank T. Weasel to Questions 16, 17 and 18, on Cross-examination, at Final Proof.

Answer to Ques. 16: I did, and I do.

Answer to Ques. 17: Earned it, and have had it in Capital State Bank for 2 years.

Answer to Ques. 18: Yes. Capital State Bank, Boise, Idaho.

Plaintiff's Exhibit No. 77F.

Receiver's Receipt No. 2460, dated July 13th, 1903.

Plaintiff's Exhibit No. 77G.

Final Certificate No. 2460, dated July 13th, 1903.

Plaintiff's Exhibit No. 77H.

Deed from Frank P. Weasel to Horace S. Rand, dated July 31st, 1903; consideration, \$800.00; acknowledged before John M. Haines, Notary Public, and filed for record July 1st, 1904, at the request of W. E. Borah. Conveys land described in Exhibit No. 77A.

Plaintiff's Exhibit No. 77I.

Affidavit of Publication.

Plaintiff's Exhibit No. 77J.

Cross-examination of Witness, George York, at final proof.

Plaintiff's Exhibit No. 77K.

Testimony of witness, George York, at final proof.

Plaintiff's Exhibit No. 77L.

Cross-examination of witness, George Butler, at final proof.

Plaintiff's Exhibit No. 77M.

Testimony of witness, George Butler, at final proof.

Plaintiff's Exhibit No. 77N.

Patent to Frank P. Weasel, dated July 26th, 1904, for land described in Exhibit No. 77A.

Plaintiff's Exhibits Nos. 78A to 78J.

Plaintiff's Exhibit No. 78F.

ERY A. WILMOT: Residence, Boise, Idaho; Occupation, Contractor.

Sworn Statement No. 332, dated and filed March 22, 1902, for entry of Northwest Quarter of Section 17, Tp. 6 North of Range 6 East, Boise Meridian.

Plaintiff's Exhibit No. 78A.

Notice for Publication; witnesses for final proof, Sam Markham, Joe Cox, Homer Allen, Pat Downs.

Plaintiff's Exhibit No. 78B.

Non-mineral Affidavit.

Plaintiff's Exhibit No. 78C.

Deed from Ery A. Wilmot, to A. E. Palmer, dated June 24th, 1903; consideration, \$1,000.00; executed before L. M. Pritchard, Notary Public, and filed for record at the request of W. E. Borah, June 27th, 1904. Conveys land described in Exhibit No. 78F.

Plaintiff's Exhibit No. 78D.

Certified Copy of Patent.

Plaintiff's Exhibit No. 78E.

Patent to Ery A. Wilmot, dated January 28th, 1904, to land described in Exhibit 78F.

Plaintiff's Exhibit No. 78G.

Testimony of Ery A. Wilmot, at final proof dated June 12, 1902.

Plaintiff's Exhibit No. 78H.

ANSWERS Given to Ery A. Wilmot, questions, 16, 17 and 18, on Cross-examination at Final Proof.

Answer to Ques. 16: I have. I do.

Answer to Ques. 17: Earned it, saved it from my business. I own a house and lot here, and 8 lots and residence in Meridian, property is worth \$2,000.00

Answer to Ques. 18: I have. The 1st Natl. at Boise.

Plaintiff's Exhibit No. 78I.

Receiver's Receipt No. 1836, dated June 12th, 1902.

Plaintiff's Exhibit No. 78J.

Final Certificate No. 1836, dated June 12th, 1904.

Plaintiff's Exhibits Nos. 79A to 79M.**Plaintiff's Exhibit No. 79A.**

JEANETTE B. COOPER: Idaho City, Idaho; Occupation, Housewife.

Sworn Statement No. 667, dated and filed Oct. 17th, 1902, for entry of Southeast Quarter of Southwest quarter and South One-half of the South-east Quarter, Section 30, and Southwest Quarter of Southwest quarter, Section 29, Tp. 7 North of Range 8 East, Boise Meridian.

Plaintiff's Exhibit No. 79B.

Non-mineral Affidavit.

Plaintiff's Exhibit No. 79C.

Notice for Publication; witnesses for final proof, Walter L. Wilson, Walter Joplin, Patrick H. Downs, and John I. Wells.

Plaintiff's Exhibit No. 79D.

Testimony of Jeanette B. Cooper, on final proof, dated February 18, 1903.

Plaintiff's Exhibit No. 79E.

ANSWERS Given by Jeanette B. Cooper, to questions 16, 17 and 18, on cross-examination on Final Proof.

Answer to Ques. 16: I did, and I do.

Answer to Ques. 17: My brother-in-law furnished me with this money, but I am to refund it. I have money, and mining property of my own.

Answer to Ques. 18: No, my money is invested. My money is drawing interest. He accommodated me by loaning me the money.

Plaintiff's Exhibit No. 79F.

Testimony of witness, John I. Wells on final proof.

Plaintiff's Exhibit No. 79G.

Cross-examination of witness, John I. Wells, on final proof.

Plaintiff's Exhibit No. 79H.

Testimony of witness, Patrick H. Downs on final proof.

Plaintiff's Exhibit No. 79I.

Cross-examination of witness, Patrick H. Downs, on final proof.

Plaintiff's Exhibit No. 79J.

Receiver's Receipt No. 2309, dated Feb. 18th, 1903.

Plaintiff's Exhibit No. 79K.

Final Certificate No. 2309, dated Feb. 18th, 1903.

Plaintiff's Exhibit No. 79L.

Deed from Jeanette B. Cooper, spinster, to Horace S. Rand, dated Feb. 20th, 1903; consideration, \$800.00; acknowledged before L. M. Pritchard, Notary Public, and filed for record July 1st, 1904, at the request of W. E. Borah. Conveys land described in Exhibit No. 79A.

Plaintiff's Exhibit No. 79M.

Affidavit of Publication.

Plaintiff's Exhibit No. 79S.

Patent to Jeanette B. Cooper, dated June 10th, 1904, for land described in Exhibit No. 79A.

Plaintiff's Exhibits Nos. 80A to 80N.**Plaintiff's Exhibit No. 80A.**

Mrs. ANNIE E. KEMPNER, Idaho City, Idaho; housekeeper.

Sworn Statement, No. 668, dated and filed Oct. 17th, 1902, for entry of Northeast quarter of Section 32, Tp. 7 North, Range 8 East, Boise Meridian.

Plaintiff's Exhibit No. 80B.

Non-mineral Affidavit.

Plaintiff's Exhibit No. 80C.

Notice for Publication; witnesses for final proof, Walter L. Wilson, Walter Joplin, Patrick H. Downs and John I. Wells.

Plaintiff's Exhibit No. 80D.

Testimony Mrs. Annie E. Kempner, on final proof, dated February 18, 1903.

Plaintiff's Exhibit No. 80E.

ANSWERS given by Mrs. Annie E. Kempner to Questions 16, 17 and 18, on Cross-examination, at Final Proof.

Answer to Ques. 16: I did, and I do.

Answer to Question 17: Mr. Kempner gave me the money to buy this land. Several years.

Answer to Ques. 18: Mr. Kempner has, in Bank of Commerce, Boise, Idaho.

Plaintiff's Exhibit No. 80F.

Testimony of witness, John I. Wells, on final proof.

Plaintiff's Exhibit No. 80G.

Cross-examination of witness, John I. Wells, on final proof.

Plaintiff's Exhibit No. 80H.

Testimony of witness, Patrick H. Downs, on final proof.

Plaintiff's Exhibit No. 80I.

Cross-examination of witness, Patrick H. Downs, at final proof.

Plaintiff's Exhibit No. 80J.

Receiver's Receipt No. 2310, dated Feb. 18th, 1903.

Plaintiff's Exhibit No. 80K.

Final Certificate No. 2310, dated Feb. 18th, 1903.

Plaintiff's Exhibit No. 80L.

Deed of Moses H. Kempner and Annie E. Kempner to Horace S. Rand, dated Feb. 20th, 1903; consideration, \$1600.00; acknowledged before L. M. Pritchard, Notary Public, conveying land described in Ex-

hibits 80A and 186, and filed for record June 23d, 1904, at the request of W. E. Borah.

Plaintiff's Exhibit No. 80M.

Affidavit of Publication.

Plaintiff's Exhibit No. 80N.

Patent dated June 10th, 1904, to Annie E. Kempner of land described in Exhibit No. 80A.

Plaintiff's Exhibits Nos. 81A to 81I, and Exhibits 79N to 79R.

Plaintiff's Exhibit No. 81A.

JOHN E. HOBBS: residence, Boise, Idaho; occupation, metallurgist.

Sworn Statement, No. 993, filed and dated Aug. 10th, 1903, for entry of Southwest quarter of Section 29, Tp. 6 North of Range 8 East, Boise Meridian.

Plaintiff's Exhibit No. 81B.

Notice for Publication; witnesses for final proof, Samuel E. Vance, Hiram Maynard, Benjamin R. Allen, John J. Pawley.

Plaintiff's Exhibit No. 81C.

Non-mineral Affidavit.

Plaintiff's Exhibit No. 81D.

Testimony of John E. Hobbs, at final proof, dated November 10, 1903.

Plaintiff's Exhibit No. 81E.

ANSWERS given by John E. Hobbs, to Questions 16, 17 and 18, on Cross-examination, at Final Proof.

Answer to Ques. 16: Yes.

Answer to Ques. 17: I earned the money in business. Have had it over a year.

Answer to Ques. 18: No.

Plaintiff's Exhibit No. 81F.

Receiver's Receipt No. 2695, dated Nov. 10th, 1903.

Plaintiff's Exhibit No. 80G.

Final Certificate No. 2695, dated Nov. 10th, 1903.

Plaintiff's Exhibit No. 80H.

Deed from John E. Hobbs, to Horace S. Rand, dated December 17th, 1903; consideration, \$900.00; acknowledged before L. M. Pritchard, and filed for record July 1st, 1904, at the request of W. E. Borah, conveys land described in Exhibit No. 81A.

Plaintiff's Exhibit No. 80I.

Patent dated Sept. 9th, 1904, to John E. Hobbs, conveying land described in Exhibit 81A.

Plaintiff's Exhibit No. 79N.

Testimony of witness, John J. Pawley, at final proof of John E. Hobbs.

Plaintiff's Exhibit No. 79O.

Cross-examination of witness, John J. Pawley, at final proof, of John E. Hobbs.

Plaintiff's Exhibit No. 79P.

Affidavit of Publication.

Plaintiff's Exhibit No. 79Q.

Testimony of Samuel E. Vance, on final proof of John E. Hobbs.

Plaintiff's Exhibit No. 79R.

Cross-examination of witness, Samuel E. Vance, at final proof of John E. Hobbs.

Plaintiff's Exhibits 81J, 81K, 81L, and 81M.

Missing.

Plaintiff's Exhibits Nos. 82A to 82N.**Plaintiff's Exhibit No. 82A.**

JAMES F. BELK: Residence, Boise, Idaho; occupation, farmer.

Sworn Statement, No. 629, dated and filed Sept. 26th, 1902, for entry of Southwest quarter of Section 12, Tp. 7 North of Range 8 East, Boise Meridian.

Plaintiff's Exhibit No. 82B.

Notice for Publication; witnesses for final proof, Henry Bayhouse, Alfred Bayhouse, George E. Ellis and Patrick H. Downs.

Plaintiff's Exhibit No. 82C.

Non-mineral Affidavit.

Plaintiff's Exhibit No. 82D.

Testimony of James F. Belk, at final proof, dated November 17, 1903.

Plaintiff's Exhibit No. 82E.

ANSWERS Given by James F. Belk, to Questions 16, 17 and 18, on Cross-examination at Final Proof.

Answer to Ques. 16: Yes. I do.

Answer to Ques. 17: From my business operations. Two years or more.

Answer to Ques. 18: Yes. Capital State Bank.

Plaintiff's Exhibit No. 82F.

Receiver's Receipt No. 2343, dated March 17th, 1903.

Plaintiff's Exhibit No. 82G.

Final Certificate No. 2343, dated March 17th, 1903.

Plaintiff's Exhibit No. 82H.

Deed from James F. Belk and wife to Horace S. Rand, dated March 24th, 1903; consideration \$1,000.00; acknowledged before L. M. Pritchard, filed for record July 1st, 1904, at the request of W. E. Borah. Conveys land described in Exhibit No. 82A.

Plaintiff's Exhibit No. 82I.

Cross-examination of witness, Alfred Bayhouse, at final proof.

Plaintiff's Exhibit No. 82J.

Testimony of witness, Alfred Bayhouse, at final proof.

Plaintiff's Exhibit No. 82K.

Cross-examination of witness, Henry Bayhouse, at final proof.

Plaintiff's Exhibit No. 82L.

Testimony of witness, Henry Bayhouse, at final proof.

Plaintiff's Exhibit No. 82M.

Affidavit of Publication.

Plaintiff's Exhibit No. 82N.

Patent to James F. Belk, dated June 10th, 1904, for land described in Exhibit 82A.

Plaintiff's Exhibits Nos. 83A to 83G.**Plaintiff's Exhibit No. 83A.**

DENNIS THORNTON: Residence, Boise, Idaho; occupation, timberman.

Sworn Statement No. 1618, dated and filed Jan. 27th, 1906, for entry of Southwest quarter of the Southwest Quarter of Section 12, and the West Half of the Northwest quarter, and the Southeast quarter of the Northwest quarter of Section 13, in Township 5, North of Range 3 East, Boise Meridian.

Plaintiff's Exhibit No. 83B.

Non-mineral Affidavit.

Plaintiff's Exhibit No. 83C.

Testimony of Dennis Thornton, at final proof, dated April 3, 1906.

Plaintiff's Exhibit No. 83D.

ANSWERS Given by Dennis Thornton, at Final Proof to Questions 16, 17 and 18 on Cross-examination.

Answer to Ques. 16: I did. I expect to pay for the land with my own money.

Answer to Ques. 17: Through the estate of my wife and my own savings. For some time.

Answer to Ques. 18: I do not.

Plaintiff's Exhibit No. 83E.

Receiver's Receipt No. 3503, dated April 3d, 1906.

Plaintiff's Exhibit No. 83F.

Final Certificate No. 3503, dated April 3d, 1906.

Plaintiff's Exhibit No. 83G.

Patent dated Aug. 7th, 1906, to Dennis Thornton, for land described in Exhibit No. 83A.

Plaintiff's Exhibits Nos. 84A to 84N.

Plaintiff's Exhibit No. 84A.

WM. H. MARTIN: Residence, Boise, Idaho; occupation, farmer.

Sworn Statement No. 637, dated and filed Sept. 29th, 1902, for entry of Southeast quarter of Section 7, Tp. 7 North of Range 8 East, Boise Meridian.

Plaintiff's Exhibit No. 84B.

Non-mineral Affidavit.

Plaintiff's Exhibit No. 84C.

Testimony of Wm. H. Martin, at final proof, dated March 18, 1903.

Plaintiff's Exhibit No. 84D.

ANSWERS Given by Wm. H. Martin to Questions 16, 17 and 18, on Cross-examination, at Final Proof.

Answer to Ques. 16: Yes.

Answer to Ques. 17: I sold ranch last year, and got the money at that time.

Answer to Ques. 18: Bank of Commerce, Boise, Idaho.

Plaintiff's Exhibit No. 84E.

Receiver's Receipt No. 2347, dated March 18th, 1903.

Plaintiff's Exhibit No. 84F.

Final Certificate No. 2347, dated March 18th, 1903.

Plaintiff's Exhibit No. 84G.

Deed from Wm. H. Martin and Henrietta B. Martin, his wife to Horace S. Rand, dated March 24th, 1903; consideration, \$1600.00; acknowledged before L. M. Pritchard, Notary Public, conveying land described in Exhibits Nos. 84A and 85A, and filed for record July 1st, 1904, at the request of W. E. Borah.

Plaintiff's Exhibit No. 84H.

Cross-examination of witness, Arietta H. Stahl, at final proof.

Plaintiff's Exhibit No. 84I.

Testimony of witness, Arietta H. Stahl, at final proof.

Plaintiff's Exhibit No. 84J.

Cross-examination of Benjamin E. Stahl, at final proof. Witness.

Plaintiff's Exhibit No. 84K.

Testimony of witness, Benjamin E. Stahl at final proof.

Plaintiff's Exhibit No. 84L.

Notice of Publication; witnesses for final proof, Henrietta B. Martin, Benjamin E. Stahl, Arietta H. Stahl, Patrick H. Downs.

Plaintiff's Exhibit No. 84M.

Affidavit of Publication.

Plaintiff's Exhibit No. 84N.

Patent to Wm. H. Martin, dated June 10th, 1904, for land described in Exhibit No. 84A.

Plaintiff's Exhibits Nos. 85A to 85N.

Plaintiff's Exhibit No. 85A.

HENRIETTA B. MARTIN: Residence, Boise, Idaho; housewife.

Sworn Statement No. 636, dated and filed Sept. 29th, 1902, for entry of Lots 1 and 2, and East Half of the Northwest Quarter of Section 7, Tp. 7 North of Range 8 East, Boise Meridian.

Plaintiff's Exhibit No. 85B.

Non-mineral Affidavit.

Plaintiff's Exhibit No. 85C.

Testimony of Henrietta B. Martin, at final proof, dated March 18, 1903.

Plaintiff's Exhibit No. 85D.

ANSWERS Given by Henrietta B. Martin, to Questions 16, 17 and 18, on Cross-examination at Final Proof.

Answer to Ques. 16: Yes.

Answer to Ques. 17: It is my part of a ranch we sold. I have had it six months.

Answer to Ques. 18: Yes. Bank of Commerce, Boise, Idaho.

Plaintiff's Exhibit No. 85E.

Receiver's Receipt No. 2346, March 18th, 1903.

Plaintiff's Exhibit No. 85F.

Final Certificate No. 2346, March 18th, 1903.

Plaintiff's Exhibit No. 85G.

Missing.

Plaintiff's Exhibit No. 85H.

Testimony of witness, Benjamin E. Stahl, at final proof.

Plaintiff's Exhibit No. 85I.

Cross-examination of witness, Benjamin E. Stahl, at final proof.

Plaintiff's Exhibit No. 85J.

Testimony of witness, Arietta Stahl, at final proof.

Plaintiff's Exhibit No. 85K.

Notice for Publication; witnesses for final proof, Benjamin E. Stahl, Wm. H. Martin, Arietta H. Stahl, and Patrick H. Downs.

Plaintiff's Exhibit No. 85L.

Affidavit of Publication.

Plaintiff's Exhibit No. 85M.

Cross-examination of witness, Arietta H. Stahl, at final proof.

Plaintiff's Exhibit No. 85N.

Patent to Henrietta B. Martin, June 10th, 1904, for land described in Exhibit 85A.

Plaintiff's Exhibits Nos. 86A to 86J.**Plaintiff's Exhibit No. 86A.**

HOMER C. GRANGER: Residence, Centerville, Idaho; occupation, miner.

Sworn Statement, No. 220, dated and filed Sept. 20th, 1901, for entry of Northeast quarter of Section 14, Tp. 7 North of Range 5 East, Boise Meridian.

Plaintiff's Exhibit No. 86B.

Testimony of Henry C. Granger at final proof, dated December 12, 1901.

Plaintiff's Exhibit No. 86C.

ANSWERS Given by Homer C. Granger, to Questions 16, 17 and 18, on Cross-examination, at Final Proof.

Answer to Ques. 16: Yes, sir. Yes, sir.

Answer to Ques. 17: I earned part of this fall, part of I collected here in Boise that was owing to me, and part of it I borrowed.

Answer to Ques. 18: No, sir.

Plaintiff's Exhibit No. 86D.

Receiver's Receipt 1923, dated July 15th, 1902.

Plaintiff's Exhibit No. 86E.

Final Certificate No. 1923, dated July 15th, 1902.

Plaintiff's Exhibit No. 86F.

Deed from Homer C. Granger to A. E. Palmer, dated July 28th, 1903; consideration, \$1,000.00; acknowledged before Norman H. Young, Notary Public, and filed for record Feb. 17th, 1904, at the request of W. E. Borah. Conveys land described in Exhibit 86A.

Plaintiff's Exhibit No. 86G.

Notice for Publication; witnesses for final proof, Jennie E. Wells, Arthur Anderson, J. I. Wells, and H. H. Wells.

Plaintiff's Exhibit No. 86H.

Testimony of witness, Harvey H. Wells, at final proof.

Plaintiff's Exhibit No. 86I.

Non-mineral affidavit.

Plaintiff's Exhibit No. 86J.

Patent to Homer C. Granger, dated Jan. 28th, 1904, for land described in Exhibit No. 86A.

Plaintiff's Exhibits Nos. 87A to 87K.**Plaintiff's Exhibit No. 87A.**

JOSEPH SULLIVAN: Residence, Boise, Idaho; occupation, contractor.

Sworn Statement, No. 745, dated and filed Feb. 12th, 1903, for entry of Northeast quarter of Section 27, Tp. 7 North of Range 8 East, Boise Meridian.

Plaintiff's Exhibit No. 87B.

Testimony of Joseph Sullivan on final proof, dated May 7, 1903.

Plaintiff's Exhibit No. 87C.

ANSWERS Given by Joseph Sullivan, to Questions 16, 17 and 18, on Cross-examination at Final Proof.

Answer to Ques. 16: I did, and I do.

Answer to Ques. 17: Earned it in my business, have had it for 3 years.

Answer to Ques. 18: Yes, First National Bank, Boise, Idaho.

Plaintiff's Exhibit No. 87D.

Testimony of witness John I. Wells, on final proof.

Plaintiff's Exhibit No. 87E.

Cross-examination of witness John I. Wells, on final proof.

Plaintiff's Exhibit No. 87F.

Testimony of witness, Patrick H. Downs, on final proof.

Plaintiff's Exhibit No. 87G.

Cross-examination of witness, Patrick H. Downs, on final proof.

Plaintiff's Exhibit No. 87H.

Receiver's Receipt No. 2410, dated May 7th, 1903.

Plaintiff's Exhibit No. 87 I.

Final Certificate No. 2410, dated May 7th, 1903.

Plaintiff's Exhibit No. 87J.

Deed from Joseph Sullivan and Helen Sullivan, dated May 14th, 1903, to Horace S. Rand; consideration, \$2,000.00; acknowledged before L. M. Pritchard, Notary Public, conveying land described in Exhibits Nos. 87A and 88A, and filed for record at the request of W. E. Borah, July 1st, 1904.

Plaintiff's Exhibit No. 87K.

Patent to Joseph Sullivan, dated July 2d, 1904, for land described in Exhibit No. 87A.

Plaintiff's Exhibits Nos. 88A to 88N.

Plaintiff's Exhibit No. 88A.

HELEN SULLIVAN: Residence, Boise, Idaho; occupation, housewife.

Sworn Statement, No. 746, dated and filed Feb. 12th, 1903, for entry of Northwest Quarter of Section 22, Tp. 7 North of Range 8 East, Boise Meridian.

Plaintiff's Exhibit No. 88B.

Non-mineral Affidavit.

Plaintiff's Exhibit No. 88C.

Testimony of Helen Sullivan, at final proof, dated May 7, 1903.

Plaintiff's Exhibit No. 88D.

ANSWERS Given by Helen Sullivan to Questions 16, 17 and 18, on Cross-examination at Final Proof.

Answer to Ques. 16: I did, and I do.

Answer to Ques. 17: Mr. Sullivan gave it to me. Have had it several months.

Answer to Ques. 18: Yes, Illinois State Savings Bank, Chicago, Ill., and First National Bank, Boise, Idaho.

Plaintiff's Exhibit No. 88E.

Testimony of witness, John I. Wells, on final proof of Joseph Sullivan.

Plaintiff's Exhibit No. 88F.

Cross-examination of witness, John I. Wells, on final proof.

Plaintiff's Exhibit No. 88G.

Testimony of witness, Patrick H. Downs, on final proof.

Plaintiff's Exhibit No. 88H.

Cross-examination of witness, Patrick H. Downs, on final proof.

Plaintiff's Exhibit No. 88I.**NON-ALIENATION AFFIDAVIT.**

“UNITED STATES LAND OFFICE,

Boise, Idaho, May 7, 1903.

Helen Sullivan, being first duly sworn, deposes and says:

That she is the identical person who made timber and stone sworn statement #746 at this office on

February 12, 1903, for the NW. $\frac{1}{4}$ Sec. 22, T. 7 N., R. 8 E., B. M., and who advertised to offer proof therefor on May 7, 1903; that she is a married woman; that she purposes to purchase said land with her separate money, in which her husband has no interest or claim; that said entry is made for her sole and separate use and benefit; that she has made no contract or agreement whereby any interest whatever therein will inure to the benefit of her husband or any other person, and that she has never made an entry under said act, or derived or had any interest whatever, directly or indirectly, in or from a former entry made by any person or association of persons.

HELEN SULLIVAN.

Subscribed and sworn to before me this 7th day of May, 1903.

EDWARD E. GARRETT.

Receiver."

"Filed May 12, 1909. A. L. Richardson, Clerk."

Plaintiff's Exhibit No. 88J.

Affidavit of Publication.

Plaintiff's Exhibit No. 88K.

Notice for Publication; witnesses for final proof, Patrick H. Downs, John I. Wells, Elizabeth Schmelzel, and Charles R. Beckley.

Plaintiff's Exhibit No. 88L.

Receiver's Receipt No. 2409, dated May 7th, 1903.

Plaintiff's Exhibit No. 88M.

Final Certificate No. 2409, dated May 7th, 1903.

Plaintiff's Exhibit No. 88N.

Patent to Helen Sullivan, dated July 2d, 1904, for land described in Exhibit No. 88A.

Plaintiff's Exhibits Nos. 89A to 89 O.**Plaintiff's Exhibit No. 89A.**

MRS. MARY THOMPSON: Residence, Boise, Idaho; occupation, housewife.

Sworn Statement, No. 589, dated and filed Sept. 16th, 1902, for entry of Lots 1 and 2, and East One-half of Northwest Quarter, Section 19, Tp. 7 North of Range 8 East, Boise Meridian.

Plaintiff's Exhibit No. 89B.

Notice for Publication; witnesses for final proof John W. Rose, Andrew Hansen, Frank R. McDonald and Patrick H. Downs.

Plaintiff's Exhibit No. 89C.

Non-mineral Affidavit.

Plaintiff's Exhibit No. 89D.

Testimony of Mary Thompson, on final proof, dated January 23, 1903.

Plaintiff's Exhibit No. 89E.

ANSWERS Given by Mary Thompson to Questions 16, 17 and 18, on Cross-examination at Final Proof.

Answer to Ques. 16: Yes.

Answer to Ques. 17: The money was left me from estate of my father. Have owned it 3 years.

Answer to Ques. 18: No. Sometimes I have it loaned out, and sometimes have it at house.

Plaintiff's Exhibit No. 89F.

Receiver's Receipt No. 2276, dated January 23rd, 1903.

Plaintiff's Exhibit No. 89G.

Final Certificate No. 2276, dated January 23rd, 1903.

Plaintiff's Exhibit No. 89H.

Deed from Mrs. Mary Thompson and Thomas S. Thompson to Horace S. Rand; consideration, \$900; dated Feb. 11th, 1903; acknowledged before L. M. Pritchard, and filed for record July 1st 1904, at the request of W. E. Borah. Conveys land described in Exhibit No. 89A.

Plaintiff's Exhibit No. 89I.

Affidavit of Publication.

Plaintiff's Exhibit No. 89J.

Testimony of witness, John W. Rose, at final proof.

Plaintiff's Exhibit No. 89K.

Cross-examination of witness, John W. Rose, at final proof.

Plaintiff's Exhibit No. 89L.

Cross-examination of witness, Frank R. McDonald, at final proof.

Plaintiff's Exhibit No. 89M.

Testimony of witness, Frank R. McDonald, at final proof.

Plaintiff's Exhibit No. 89N.

Affidavit in re application postponement date of proof, and non-alienation.

Plaintiff's Exhibit No. 89 O.

Patent to Mrs. Mary Thompson, dated March 24th, 1904, for land described in Exhibit No. 89A.

Plaintiff's Exhibits Nos. 90A to 90P.**Plaintiff's Exhibit No. 90A.**

ANDREW HANSEN: Residence, Boise, Idaho; painter.

Sworn Statement, No. 591, dated and filed Sept, 16th, 1902, for entry of North One-half of the North-east Quarter, Section 22, and South One-half of the Southeast Quarter of Section 15, Tp. 7 North of Range 8 East, Boise Meridian.

Plaintiff's Exhibit No. 90B.

Non-mineral Affidavit.

Plaintiff's Exhibit No. 90C.

Notice for Publication; witnesses for final proof, John W. Rose, Frank R. McDonald, Thos. S. Thompson, and Patrick H. Downs.

Plaintiff's Exhibit No. 90D.

Testimony of Andrew Hansen on final proof, dated January 15, 1903.

Plaintiff's Exhibit No. 90E.

ANSWERS Given by Andrew Hansen to Questions 16, 17 and 18, on Cross-examination at Final Proof.

Answer to Ques. 16: I did, and I do.

Answer to Ques. 17: I earned it in my business, have had it 2 or 3 months.

Answer to Ques. 18: No, have my money in safe at Pacific Hotel, Boise, Idaho.

Plaintiff's Exhibit No. 90F.

Receiver's Receipt No. 2266, dated Jan. 15th, 1903.

Plaintiff's Exhibit No. 90G.

Final Certificate No. 2266, dated Jan. 15th, 1903.

Plaintiff's Exhibit No. 90H.

Testimony of witness, Patrick H. Downs, on final proof.

Plaintiff's Exhibit No. 90I.

Cross-examination of witness, Patrick H. Downs, on final proof.

Plaintiff's Exhibit No. 90J.

Deed from Andrew Hansen to Horace S. Rand; dated Feb. 12th, 1903; consideration \$800.00; acknowledged before L. M. Pritchard, Notary Public, filed for record June 23d, 1904, at the request of W. E. Borah. Conveys land described in Exhibit No. 90A.

Plaintiff's Exhibit No. 90K.

Affidavit of Publication.

Plaintiff's Exhibit No. 90L.

Copy of Certificate of Declaration of Intention to Become Citizen.

Plaintiff's Exhibit No. 90M.

Cross-examination of witness, Frank R. McDonald, on final proof.

Plaintiff's Exhibit No. 90N.

Testimony of witness, Frank R. McDonald, on final proof.

Plaintiff's Exhibit No. 90O.

Affidavit of Andrew Hansen in re postponement date of final proof.

Plaintiff's Exhibit No. 90P.

Patent to Andrew Hansen, dated May 24th, 1904, for land described in Exhibit No. 90A.

Plaintiff's Exhibits Nos. 91A to 91O.**Plaintiff's Exhibit No. 91B.**

SEDGWICK HOOVER: Residence, Boise, Idaho; occupation, plasterer.

Sworn Statement No. 341, filed and dated March 25th, 1902, for entry of Southwest Quarter of Section 28, Tp. 6 North of Range 6 East, Boise Meridian.

Plaintiff's Exhibit No. 91A.

AFFIDAVIT OF SEDGWICK HOOVER, MADE
BEFORE W. S. WADE, G. L. O. SPECIAL
AGENT.

“State of Idaho,
County of Ada,—ss.

Sedgwick Hoover, of lawful age, being duly sworn and on his oath deposes and says, that his residence is in Caldwell, Idaho. That he is the identical Sedgwick Hoover who made a T. & S. Cash Entry, No. 1874, June 18, 1902.

That ‘Dean West was the first person who spoke to him about taking up a timber claim. West sent me to Downs, and Downs located me on the SW. $\frac{1}{4}$ of Section 28, of Township 6 N., Range 4 E. I paid Downs a location fee of \$25 after coming back from

the land. John I. Wells made out my filing papers. When West spoke to me about taking up a timber claim he said there would be about \$300.00 in it for me. On the day of final proof, Wells asked me if I had the money to prove up with. I told him that I did not, he then handed me \$412.50, and told me to swear at the Land Office that it was my own money, when in truth and in part, no part of the money that I paid into the United States Land Office was my own. When I got the final certificate from the Land Office, I turned it over to John I. Wells and either Wells or Louis M. Pritchard gave me some money, I have forgotten the exact amount, but it was more than \$200.00, and not more than \$250.00, and I signed the deed to the land at the same time the money was paid to me in the office in the back part of the Sonna Block. At the time I filed on the land, I understood that I was taking it up for someone else, and that I was to get \$300.00, for taking up the land. My understanding was with John I. Wells.'

SEDGWICK HOOVER.

Subscribed and sworn to before me this 1st day of October, 1907.

W. S. WADE,
Special Agent, G. L. O."

Plaintiff's Exhibit No. 91C.

Non-mineral Affidavit.

Plaintiff's Exhibit No. 91D.

Notice for Publication: witnesses for final proof,
Wm. Judge, W. C. Lane, W. F. Noble, G. G. Gibson.

Plaintiff's Exhibit No. 91E.

Testimony of Sedgwick Hoover, on final proof, dated June 18, 1902.

Plaintiff's Exhibit No. 91F.

ANSWERS given by Sedgwick Hoover to Questions 16, 17 and 18 on Cross-examination, on Final Proof.

Answer to Ques. 16: Yes, sir. I do.

Answer to Ques. 17: Worked for it, have had some of it on hand 5 or 6 years.

Answer to Ques. 18: Yes. Bank of Commerce, Boise, Idaho.

Plaintiff's Exhibit No. 91G.

Receiver's Receipt No. 1874, dated June 18th, 1902.

Plaintiff's Exhibit No. 91H.

Final Certificate No. 1874, dated June 18, 1902.

Plaintiff's Exhibit No. 91 I.

Deed from Sedgwick Hoover and wife to A. E. Palmer, consideration, \$1000.00; dated July 4th, 1903; acknowledged before L. M. Pritchard, Notary Public, conveying land described in Exhibit No. 91B, and filed for record Feb. 29, 1904, at request of W. E. Borah.

Plaintiff's Exhibit No. 91J.

Cross-examination of witness, Willis C. Lane on final proof.

Plaintiff's Exhibit No. 91K.

Testimony of witness, Willis C. Lane, on final proof.

Plaintiff's Exhibit No. 91L.

Cross-examination of witness, George G. Gibson, on final proof.

Plaintiff's Exhibit No. 91M.

Testimony of witness, George G. Gibson, on final proof.

Plaintiff's Exhibit No. 91N.

Affidavit of Publication.

Plaintiff's Exhibit No. 91O.

Patent to Sedgwick Hoover, dated Jan. 28th, 1904, for land described in Exhibit No. 91B.

Plaintiff's Exhibits Nos. 92A to 92M.

Plaintiff's Exhibit No. 92A.

EDWARD E. BUTLER: Residence, Boise, Idaho; business man.

Sworn Statement, No. 348, dated and filed March 28th, 1902, for entry of Southeast Quarter of Section 32, Tp. 6 North, of Range 6 East, Boise Meridian.

Plaintiff's Exhibit No. 92B.

Non-mineral Affidavit.

Plaintiff's Exhibit No. 92C.

Notice for Publication; witnesses for final proof, Wm. H. Lewin, Charley Patterson, Smith Barker, John I. Wells.

Plaintiff's Exhibit No. 92D.

Testimony of Edward E. Butler, at final proof, dated June 24, 1902.

Plaintiff's Exhibit No. 92E.

ANSWERS Given by E. E. Butler, to Questions 16, 17 and 18, on Cross-examination, at Final Proof.

Answer to Ques 16: Yes, sir, I do.

Answer to Ques. 17: I drew a check for it, and got it from the Capital State Bank on my own account. For last 5 years, I received no money from anyone to replace the amount so used or drawn.

Answer to Ques. 18: Capital State Bank, about 5 years.

Plaintiff's Exhibit No. 92F.

Receiver's Receipt No. 1888, dated June 24th, 1902.

Plaintiff's Exhibit No. 92G.

Final Certificate No. 1888, dated June 24th, 1902.

Plaintiff's Exhibit No. 92H.

Deed from Edward E. Butler and wife, Elvie M. to A. E. Palmer, dated June 19th, 1903; consideration, \$1,000; acknowledged before L. M. Pritchard, Notary Public, filed at the request of W. E. Borah, Feb. 29th, 1904, for land described in Exhibit No. 92A.

Plaintiff's Exhibit No. 92 I.

Cross-examination of witness, Wm. H. Lewin, at final proof.

Plaintiff's Exhibit No. 92J.

Testimony of witness, Wm. H. Lewin, at final proof.

Plaintiff's Exhibit No. 92K.

Cross-examination of witness, Charley Patterson, at final proof.

Plaintiff's Exhibit No. 92L.

Testimony of witness, Charles Patterson at final proof.

Plaintiff's Exhibit No. 92M.

Patent dated Jan. 28th, 1904, to Edward E. Butler, for land described in Exhibit No. 92A.

Plaintiff's Exhibits Nos. 93A to 93H.

Plaintiff's Exhibit No. 93A.

JENNIE E. THOMPSON: Residence, Boise, Idaho; occupation, housewife.

Sworn Statement No. 501, dated and filed Aug. 12th, 1902, for entry of Southwest Quarter of Northeast Quarter and South Half of Northwest Quarter, Section 34, Tp. 7 North of Range 4 East, and SE. $\frac{1}{4}$ of the NE. $\frac{1}{4}$ of Sec. 33, Tp. 7 N., of R. 4 East, B. M. —Relinquished as to SE.⁴ of NE.⁴, Sec. 33, Tp. 7 N. of R. 4 E—Nov. 11—1902.

Plaintiff's Exhibit No. 93B.

Non-mineral Affidavit.

Plaintiff's Exhibit No. 93C.

Testimony of Jennie E. Thompson, at final proof, dated November 11, 1902.

Plaintiff's Exhibit No. 93D.

ANSWERS Given by Jennie E. Thompson to Questions 16, 17 and 18, on Cross-examination at Final Proof.

Answer to Ques. 16: I did, and I do.

Answer to Ques. 17: Have been accumulating money for ten years.

Answer to Ques. 18: No, kept it in the house.

Plaintiff's Exhibit No. 93E.

Receiver's Receipt No. 2159, dated Nov. 11th, 1902.

Plaintiff's Exhibit No. 93F.

Final Certificate No. 2159, dated Nov. 11th, 1902.

Plaintiff's Exhibit No. 93G.

Deed from Sherman B. Thompson and Jennie E. Thompson to A. E. Palmer, dated March 23rd, 1903, consideration \$950.00; acknowledged before L. M. Pritchard, Notary Public for land described in Exhibit No. 93A, except SE. $\frac{1}{4}$ of the NE. $\frac{1}{4}$ Sec. 33, T. 7 N., R. 4 E. B. M., and filed for record June 29th, 1903, at the request of W. E. Borah.

Plaintiff's Exhibit No. 93H.

Patent to Jennie E. Thompson, dated July 2d, 1904, for land described in Exhibit No. 93G.

Plaintiff's Exhibits Nos. 94A to 94P.**Plaintiff's Exhibit No. 94C.**

NORMAN H. YOUNG: Residence, Boise, Idaho; occupation, bookkeeper.

Sworn Statement No. 321, dated and filed January 22d, 1902, for entry of South One-half of the Northwest Quarter of Section 17, and Southeast Quarter of Northeast Quarter, and Northeast Quarter of Southeast Quarter, of Section 18, Tp. 7 North of Range 5 East, Boise Meridian.

Plaintiff's Exhibit No. 94D.

Non-mineral Affidavit.

Plaintiff's Exhibit No. 94E.

Testimony of Norman H. Young, at final proof, dated April 14, 1902.

Plaintiff's Exhibit No. 94F.

ANSWERS Given by Norman H. Young, to Questions 16, 17 and 18, on Cross-examination, at Final Proof.

Answer to Ques. 16: Yes, sir. Yes, sir.

Answer to Ques. 17: Savings from my wages, and collections from a former business; I guess about a year or over.

Answer to Ques. 18: No, I have kept my money in certificates of deposits, and state warrants. Banking business has been with the Capital State Bank, Boise.

Plaintiff's Exhibit No. 94G.

Testimony of witness, Patrick H. Downs, at final proof.

Plaintiff's Exhibit No. 94H.

Cross-examination of witness, Patrick H. Downs, at final proof.

Plaintiff's Exhibit No. 94 I.

Testimony and Cross-examination of witness, John I. Wells, on final proof.

Plaintiff's Exhibit No. 94J.

Receiver's Receipt No. 1931, dated July 16, 1902, of witness.

Plaintiff's Exhibit No. 94K.

Final Certificate No. 1931, dated July 16, 1902.

Plaintiff's Exhibit No. 94L.

Deed from Norman H. Young to A. E. Palmer, Nov. 10, 1904; consideration \$1,000.00; acknowledged before James McDevitt, Notary Public, and filed for

record at the request of A. A. Steunenberg, December 30th, 1904. Conveys land described in Exhibit No. 94C.

Plaintiff's Exhibit No. 94M.

Notice for publication; witnesses for final proof, John U. Cassell, John Kinkaid, Patrick H. Downs and John I. Wells.

Plaintiff's Exhibit No. 94N.

Certificate of Register and Receiver, as to postponement of date of final proof.

Plaintiff's Exhibit No. 94O.

Affidavit of Norman H. Young, in re postpone-ment date of final proof.

Plaintiff's Exhibit No. 94P.

Patent dated January 28th, 1904, to Norman H. Young, for land described in Exhibit No. 94C.

Plaintiff's Exhibit No. 94A.

Statement of Norman H. Young, dated Boise, Idaho, April 3, 1907, before the Grand Jury.

“STATEMENT

of

NORMAN H. YOUNG

Boise, Idaho, April 3, 1907.

Q. What is your business?

A. Bookkeeper.

Q. What was your business along in 1901 and 2?

A. I was following the same occupation.

Q. Where were you working then?

A. Falk Mercantile Company.

Q. Were you a Notary Public at one time?

A. Yes, sir.

Q. In what county? A. Boise County.

Q. You were not then a bookkeeper for the Falk Mercantile Company?

A. I was a Notary Public for about 12 years consecutive. My term hadn't expired.

Q. I am speaking about whether you were a Notary Public at the time you were working for the Falk Mercantile Company. A. Yes, sir.

Q. What were you doing up at Centerville, were you working at Centerville at any time?

A. I was working in father's store, and Assistant Postmaster.

Q. What was your salary and income at the time you were at Centerville, and when was it you were in Centerville?

A. I was manager of store, proprietor of a store rather,—

Q. I am speaking of the time of these timber transactions.

A. Well, I was the owner of a store before that.

Q. What were you doing at the time these timber lands were being taken up in Boise County?

A. Possibly my salary in the Post Office and with father would amount to about \$125 a month, my income.

Q. Did you own any real estate?

A. Yes, sir.

Q. Where was your real estate at that time situated? A. Centerville.

Q. Of what did it consist?

A. Town lots and some mining property.

Q. Did you dispose of that?

A. Yes, sir.

Q. What did you get from it?

A. The sheriff got about \$1500, it was sold under execution.

Q. You were closed out in business?

A. Yes, sir.

Q. By attachment?

A. Yes, sir, prior to my coming to Boise though.

Q. What year were you closed out by attachment?

A. I was closed out in '89, you don't want anything prior to the taking of the timber lands do you?

Q. Go ahead from that time, from the time you were closed out until these timber lands were taken up.

A. I worked for my father until February, 1891—

Q. 1901? A. Or 1901, yes, sir.

Q. What did you do then?

A. Came to Boise to work and commenced in April for the Falk Mercantile Company.

Q. Of 1901?

A. I believe my dates are right.

Q. Now, are you a married man?

A. No, sir.

Q. Single. Who first spoke to you about taking up a timber and stone claim?

A. Just that I couldn't say.

Q. Well, Pat Downs located you, didn't he?

A. No, sir.

Q. Who located you?

A. I acquired my information from conversation with Mr. John Kinkaid.

Q. From John Kinkaid?

A. From conversations, yes, sir.

Q. How long had you known Kinkaid prior to this time? A. Several years.

Q. Now, give us the conversation that took place between you and Kinkaid about the timber matter?

A. He came into the—we had one conversation prior to his coming to the office of the Falk Mercantile Company on some other business matters.

Q. What was the first conversation?

A. We had some conversation in regard to taking a claim, I expressed a desire to get a location, mentioned in fact that I had been a resident of Boise County, and I had considered the proposition before anyone had been in the field, and when he came into the office several months afterwards he said he knew of an abandoned, or someone hadn't proved up on a piece of land, some woman, that she had made application, and gave me the situation and told me where it was, and I was thoroughly familiar with the tract and realized it was as good a tract as there was in that section, and I told him I thought I would take that.

Q. Who was it you told that?

A. John Kinkaid.

Q. Did he draw up your papers?

A. I am not sure, but I think I fixed my own papers.

Q. And went up to the land office and filed?

A. Yes, sir.

Q. You didn't go out to the land at that time?

A. No, I went afterwards, but I had been over the land in August.

Q. Who gave you the description of the land?

A. John Kinkaid.

Q. And you filed in the land office and afterwards went up to verify your information?

A. Yes, sir.

Q. How did you know that you had been on this land by the description of it without having gone up there to see?

A. I had been on the land every year for about twenty years, I guess.

Q. You had been in that country, but the proposition is as to the particular quarter you may not have known that.

A. It runs about a quarter of a mile from the stage road and I was up in the hills a great deal, and was there when the survey was made.

Q. Who made out your papers for you?

A. I think I made them myself, I am not sure as to that.

Q. Didn't Kinkaid make out your papers for you?

A. No, I think I made them myself.

Q. That is Kinkaid's writing, isn't it?

(Showing witness paper.)

A. Yes, sir, I made out so many papers when I was in Boise, for other people that I thought I had made my own.

Q. Now, you knew that Kinkaid had been in this business of locating people up there and was in the

timber business before that, didn't you?

A. Yes, I didn't know of him being a locator.

Q. Of him being in the business and handling timber?

A. I didn't know about that, I knew he was in that business.

Q. You had had some conversation had you not?

A. In reference to timber lands, yes, sir.

Q. What was the conversation?

A. As I stated before, that I considered it a good idea to take up some timber land.

Q. And you discussed the question generally, not particularly your own claim, but in connection with others?

A. No, sir.

Q. Didn't he ever talk with you about some other people's claims?

A. No, sir.

Q. You say he told you about the land?

A. Yes, sir.

Q. Did you have any business connections with John I. Wells?

A. Yes, sir, to my sorrow.

Q. Did he have anything to do with your timber matter, did you ever have any business in reference to timber with Wells?

A. In the matter of location?

Q. Yes, sir.

A. No, sir, he was one of my witnesses.

Q. Did you ever have anything to do with him in regard to other people's claims besides your own?

A. I had been a witness several times. I was witness for I forget now who.

Q. Who asked you to be a witness for other people, Wells?

A. No, sir, the people who came to the office and asked me to be, that I was acquainted with.

Q. Wells didn't locate you? A. No, sir.

Q. Had nothing to do with locating your claim?

A. No, sir.

Q. You are certain on that point?

A. Yes, sir.

Q. Where did you get the money to locate your claim and pay for your claim?

A. I had some money in the banks.

Q. What banks?

A. Mr. Garrett has a record of the Certificates of Deposits I had.

Q. That is not the question.

A. Capital State Bank.

Q. Of Boise?

A. And I think I had one certificate on the Boise City National, I am not sure, I had one of the First National Bank; I had been saving my salary right along and depositing it in one bank or the other.

Q. You drew the money out of the bank, did you? A. Yes, sir.

Q. How long had you had it there before making proof?

A. I had had some in Ada County warrants for ten months, I sold them in January, Ada County General Warrants.

Q. Who did you sell your land to?

A. I sold it to Palmer, I think that is the name, of Spokane.

Q. Who did you sell it through?

A. John I. Wells.

Q. What were you given to understand this claim was worth when you filed on it?

A. I had no idea.

Q. What did you get for it?

A. I got \$700.

Q. When Wells spoke about taking up this claim, or locating it for you, did he say anything about giving you \$700 for it?

A. No, sir, I had no conversation with Wells at no time in regard to the matter.

Q. Well, Kinkaid then? A. No, sir.

Q. What did you do with the money when you got it? A. Put it in business.

Q. How much money did you put into business?

A. I put it all in.

Q. \$750? A. \$700.

Q. And you put that all into business?

A. Yes, sir.

Q. What business? A. In Centerville.

Q. How much—what character of business was it? A. General merchandise.

Q. And was that all that you had at that time, you put into that business? A. Yes, sir.

Q. And that was \$700? A. Yes, sir.

Q. And you had no other moneys besides that?

A. Yes, I had other money besides, I had an interest in a store.

Q. Did you have any other store beside the one you put your money into?

A. No, it was father's.

Q. Prior to that time, you had had no interest in it, had you?

A. We are talking now about 1905 and 6.

Q. I care nothing about 1905 and 6, you sold your timber claim before 1905 and 1906.

A. I paid taxes for two years on it. I sold it in 19— I am not sure what year it was, I held it for two years.

Q. Did you quit working for the Falk Mercantile Company and go up to work at Centerville?

A. Yes, sir.

Q. You say you paid taxes for 1904?

A. I am not sure as to that, I paid taxes for two years on it.

Q. Two years? A. Yes, sir.

Q. You certainly didn't pay any taxes before you got your final receipt, did you, because land isn't subject to taxation before final receipt issues.

A. I know I paid two years taxes, the first year fourteen something and the next year sixteen and something, they raised the taxes on me.

Q. How soon after you got your final receipt did you sell? A. Something over a year.

Q. How much over a year?

A. I couldn't say, I had the final receipt in my safe for quite a while, a long while before I made any deal with anybody to sell it, and I found I needed the money and did sell it.

Q. Think it was as much as six months?

A. Yes, sir, more than that.

Q. As much as a year? A. Fully a year.

Q. From the time you got your final receipt until you sold?

A. Yes, sir, to my knowledge. When I went to

Kinkaid's office, he had a blue print map of the land, and Wells showed me where the location of this land was, but it wasn't located through Mr. Wells at all, it was through John Kinkaid.

Q. I will ask you to detail just what steps you took for Kinkaid or Wells or anyone in connection with taking up the land in Boise county, all the connection that you had with this matter and through whom, if you did anything officially or privately, just go ahead and tell it all.

A. Do you want me to start in at the first?

Q. Yes, start right in at the first.

A. Well, I had lived in Boise County my entire life except what time I spent here at school, and became acquainted with John Wells through his business transacting with me and in the mercantile business, and at the time that the locations were first made, I was employed by the Falk Mercantile Company, and I was—now let's see—I was first spoken to by Mr. Kinkaid who asked me if I had thought anything of making a filing on any land, and I told him I had such a thing contemplated, and he says when I made my filing we could make our filings together, he says, "I am thinking of making one also." That is the first and only conversation that I had in regard to myself taking any timber up to the time that Mr. Kinkaid came into the office of the Falk Mercantile Company and notified me of this abandoned claim which I afterwards filed on through him. After proof was made Mr. Wells says, "I hope you make something out of this land." After I had quit my position at Falks,

I went back to Centerville and engaged again with my father in the mercantile business, and having an old account against John Wells, and after I had received my patent, I called him up over the 'phone and asked him if he couldn't make me a payment on his account, told him I was hard up, which was virtually the case. And he 'phoned back, "Why not sell your timber claims," and I asked him how much he could get for it, and he says \$700, and I told him I would think over it, and a short time afterwards he 'phoned me that he was coming to the basin, and he would bring the money with him for me if I would take it for my claim. I studied a while because I rather wanted to make the collection and hold my claim, but I had to have some money. Then he came up in a buggy and brought some money into the store and deposited it in my safe, the amount I did not know, he put it in an envelope and deposited it in my safe. That evening he asked me if I wanted to sell my claim, that he had the money with him to buy it, I thought it over and told him yes, I would accept that. And he had a deed drawn up to this man Palmer, the consideration in the deed was \$1,000 and I signed the deed, and afterwards had it acknowledged before Mr. James McDevit of Placerville, not, however, until I had held the deed for quite a while, because I wanted to get some more money on the claim. During the time the deed was in my possession, I paid the taxes, but they were refunded to me, or at least according to my memory, one was refunded to me, I think, but I have forgotten the circumstances.

Q. Do you recall by whom?

A. I can't recall now, I think I was only out one tax.

Q. Was it by the assessor it was refunded?

A. I couldn't say.

Q. It was refunded to you by some one of the people you sold to? A. Yes, certainly.

Q. Either by Kinkaid or Wells or someone?

A. Certainly it was in that way.

Q. They had conversation with you in reference to your transacting some business for them in the shape of notary work, did they not?

A. Yes, sir.

Q. Who did you have that conversation with, and where was it and when?

A. That was principally with Wells and Mr. Kinkaid.

Q. What was the conversation, what was the arrangement or the transaction, the substance of it?

A. There was no special arrangements made except as to some specific cases they would turn over to me to get acknowledgments, only in a general business notary way, that was all.

Q. Well, in some instances did you not place your notarial seal upon some documents where the party was not before you?

A. I have never done that except in one or two instances where I had communications over the 'phone with the parties.

Q. Well, what were those one or two instances?

A. I couldn't say.

Q. Wasn't it at the request of, or wasn't the deeds handed to you, or sent to you by Kinkaid or Wells that had been signed by the entrymen, and you placed your notarial seal upon them?

A. If you give me the name I might be able to recall it, otherwise, I don't know as I could.

Q. You wouldn't say that that didn't happen?

A. No, I wouldn't say that that didn't occur.

Q. You had something to do at the request of some of these people in regard to forest fires, didn't you?

A. Yes, sir.

Q. Now, what was that?

A. That I was to take charge and look out for any forest fires in my immediate vicinity.

Q. Who made that arrangement with you?

A. Why that was made through arrangement with the party by telephone, it wasn't either of the parties we were speaking of.

Q. Well, who was it?

A. I think it was the Barber Lumber Company, or someone in their employ.

Q. Was it Governor Steunenberg?

A. Yes, I had communication with him.

Q. You also had communication with Steunenberg, or was Steunenberg the party?

A. Well, the first telephone I had was from someone in the office of the Barber Lumber Company, I didn't know who it was.

Q. They told you this was the Barber Lumber Company?

A. Yes, sir, I was the telephone operator there and they asked me in regard to the extent of the

fire, etc.

Q. What did the Barber Lumber Company ask you to do in connection?

A. Simply as I told you to look out for it, and hire men if necessary to extinguish the fire.

Q. What compensation did you receive?

A. I received none at all.

Q. Did you employ some men?

A. Yes, sir.

Q. How many men did you employ?

A. I think we had eight, or as high as 12 at one time, one large fire there.

Q. Were they paid through you?

A. Yes, sir.

Q. In what way, by check? A. Yes, sir.

Q. Signed by who? A. I couldn't say.

Q. Well, was it the Barber Lumber Company, or yourself? A. I couldn't say that.

Q. Or was it Steunenbergs?

A. I couldn't say as to that—in what way whether it was placed to my credit here at the bank, or I received it by check, I couldn't say.

Q. In any event, you employed these men on behalf of the Barber Lumber Company?

A. Yes, sir.

Q. Now, what was the date of that, was that before you took your timber claim or afterwards?

A. Two or three years afterwards.

Q. Now, what conversation did you have with Steunenbergs in reference to it, you say you afterwards had a conversation with him, now what conversation did you have with him?

A. He telephoned me as to the extent of the fires, and the damage they were doing, and I told him they were, as best I could, the grounds that were being burned over, and the danger of it spreading, etc., from time to time.

Q. Now, what year was that?

A. 1904, I think.

Q. Had you sold your timber claim before this?

A. Yes, but I hadn't given any deed yet, I hadn't signed no deed on account I wanted more money out of it.

Q. But you had sold your claim?

A. Virtually, yes.

Q. Who did Steunenberg say he represented?

A. No intimation at all.

Q. Had you ever had any talk with reference to this?

A. The first conversation I had with Steunenberg in any way in connection with the timber deals.

Q. You never met him prior to that in reference to that? A. No, sir.

Q. Did you ever have any communication by letter from him?

A. Only after I was notified to look out for the fires, and that was by 'phone.

Q. Did you have a talk with him after the fires were out?

A. He was in the basin two or three times, but I can't remember any conversation with him.

Q. Now in your own entry, your own deed you acknowledged that before McDevitt, did you?

A. Yes, sir.

Q. How long did you say you held that deed after it was brought up to you by Wells?

A. Over a year.

Q. Where was McDevitt, the notary?

A. Placerville.

Q. Was McDevitt's name in the deed at the time Kinkaid sent it up to you by Wells?

A. I couldn't say.

Q. Who drew the deed?

A. I think it was Mr. Kinkaid.

Q. Now, didn't you sign more than one deed?

A. The first deed was a typewritten one, I believe.

Q. How long before the execution of the second deed was the first one, the typewritten deed?

A. I couldn't say, it was a correction of some error in the original deed.

Q. When was that correction deed signed?

A. The details I haven't refreshed my memory, haven't given it any thought since.

Q. The correction deed was executed before whom, McDevitt?

A. I think he was the only notary in the neighborhood.

Q. The first was a typewritten deed, and then afterwards you had another deed?

A. Yes, sir, a printed deed.

Q. When you say printed deed you mean this kind of a deed. (Showing witness paper.)

A. Yes, sir.

Q. But the first one was a typewritten deed?

A. I wouldn't say positive, but it is my impres-

sion that it was.

Q. Now, the printed deed was it acknowledged by you on the 10th day of November, 1903, that is your signature. (Showing witness paper)?

A. Yes, sir.

Q. That is correct, is it?

A. It strikes me that it should be 1904, I won't say as to that.

Q. Well, it bears date of November, 1903, and the deed is in your handwriting; the date of the acknowledgment, the 10th day of November, 1903, was written by yourself, was it not?

A. Yes, sir, but it shouldn't have been 1903, I am sure. I think the typewritten deed is the one that corrects that, I know it wasn't 1903, because that is the deed I held for so long, it was in 1903 that Wells came in there, and I wouldn't give him any deed then.

Q. Well, how long did you hold the deed?

A. It was over a year as I said.

Q. The Barber Lumber Company afterwards sent you another deed, didn't they, and quit claim deed?

A. Yes, sir, that is it, there was another deed sent, that straightens it out.

Q. Where did you execute that deed?

A. I don't know, I don't remember.

Q. Who sent you that deed?

A. It came from Boise, I think it was the Barber Lumber Company, it bears a number down one side of the deed, I think it was the Barber Lumber Company.

Q. Now, what did these people give you to understand this claim of yours would sell for when you procured it? A. No understanding then.

Q. Didn't you understand about what it would bring you?

A. No, sir, they considered the value of a timber claim at that time was about a thousand dollars.

Q. Wasn't they only paying \$650. That is \$250 for getting people to take up claims?

A. I have heard so.

Q. Who did you hear from?

A. Street gossip, I heard \$150.

Q. Who told you?

A. No one ever told me.

Q. Didn't you have a conversation with either Wells or Kinkaid or some people connected with this matter that \$250 was all they were paying for people to take them up and transfer them to them?

A. No, sir. They told me that \$700 was all my claim was worth, all they could get for it.

Q. Didn't they tell you that was more than they were paying others for it?

A. No, I don't believe they did.

Q. Do you remember, Mr. Young, having taken Mr. Arthur Anderson's acknowledgment on application for hearing in the matter of the contest against his entry?

A. I remember something of it in an indistinct way.

Q. On the 10th of January, 1903, you took his acknowledgment to such an application, you sworn Mr. Anderson to an affidavit for an application for a

hearing, do you remember that?

A. Hearing before the land office?

Q. Yes, sir. A. Yes, sir.

Q. Anderson signs by mark—who brought that paper to you?

A. I received it in the mail, I think.

Q. From whom?

A. From John Kinkaid, I think.

Q. And you returned it to him?

A. To the best of my knowledge, yes. If I had my notary records here I could tell you something about it.

Q. Did you keep a record?

A. As required by law, yes.

Q. There is none required in this state, is there?

A. It was when I first took charge.

Q. Now, Mr. Young, on the 21st day of June, 1905, you took Mr. Anderson's acknowledgment, and also signed his name for him to an relinquishment and waiver of any rights he might have as to his entry, do you remember that?

A. Yes, sir, I think John Wells brought that up.

Q. John Wells? A. I think so.

Q. Who was with John Wells at that time?

A. I couldn't say, let's see, June, 1905.

Q. Yes, a year ago last June, along about, or a short time before the dedication of that Odd Fellows Hall at Placerville.

A. I can't recollect whether Mr. Wells brought that or not.

Q. Was Frank Martin present at that time?

A. That is who brought it to me, I think.

Q. It was Frank Martin that brought this paper to you, wasn't it, and not Wells?

A. I know that someone brought it there to me at that time, I know it wasn't sent by mail I remember that distinctly, but I was trying to recall whom I did that business for or with.

Q. And at the same time you took the acknowledgment of James T. Balls? A. Yes, sir.

Q. And Harvey H. Wells? A. Yes, sir.

Q. And Ed. Hunter?

A. Yes, sir, four of them.

Q. Now, Frank Martin was present, and brought them to you?

A. They were brought by him, I believe, I won't say him, but I will say they were brought by someone, and I think it was Martin possibly.

Q. Was there any money paid Arthur Anderson at that time?

A. I didn't see any, none to my knowledge.

Q. Was there any money paid to any of these parties named, Balls, Wells or Hunter?

A. Not to my knowledge.

Q. You knew from statements made by these people, Wells and Ball and Hunter, about how much they got out of the timber filings didn't you, didn't you ever hear them say?

A. I never heard them state, I have heard hints that is all.

Q. It was common rumor and report at Center-ville? A. Yes, sir.

Q. They were to receive \$250, and only got about

\$150, wasn't that it?

A. Yes, sir. I can only state that in regard to Hunter and Anderson, the other fellows I never heard make any statement.

Q. You also took a part in the forest fire of 1903, did you not for these people? A. Yes, sir.

Q. Who paid you in that year?

A. I couldn't say.

Q. Steunenberg? A. I couldn't say.

Q. You had charge of the fighting of those fires there—George T. Young is your father?

A. Yes, sir.

Q. Is your father alive? A. Yes, sir.

Q. You had charge of fighting those fires both times yourself, did you not?

A. I had charge of the fires for several years.

Q. Your father was paid a check for the year 1903, wasn't he?

A. I think probably they would all be drawn to my father on account of the banking account being kept in his name.

Q. Do you recall getting a check for \$167, September 25, 1903, or \$108, and \$59 making \$167?

A. That was an apportionment of the amount between the Government and the Barber Lumber Company.

Q. Do you recall having received that check from the Barber Lumber Company through Governor Steunenberg?

A. No, sir, I can't recall that amount.

Q. In any event, you received pay from the Barber Lumber Company through your father in Sep-

tember, or in the year 1903 for fighting those fires up there? A. Yes, sir, September.

Q. Did you receive more than one check in that one year?

A. I don't know, Mr. Johnson, I kept no record of those matters.

Q. Well, about how much did you receive from that source? A. I couldn't say.

Q. Do you recall who paid you through what source?

A. I know I have received checks from the Governor, from Mr. Sharp, and also from some other parties, I don't remember what proportion.

Q. Do you recall who the other parties were, do you recall having received a check signed Frank Steunenberg, Agent?

A. I don't remember how it was paid. Yes—it wasn't Steunenberg, though.

Q. Well, who was it?

A. I remember something about that now, but I don't know now, I couldn't say whether Steunenberg drew it nor what bank it was drawn on, I can't remember those things, small details, I never paid much attention to.

Q. In this notary work that you done there for Martin, Martin paid you, did he?

A. Yes, sir.

Q. And in this notary work you done for Kinkaid, when he sent these papers up, did Kinkaid pay you? A. By money order, yes, sir.

Q. In taking acknowledgments of the deeds for these people, they were paid by Kinkaid or by Wells?

A. Yes, sir, all their work was paid for by them.

Q. Any paid to you by the entrymen themselves?

A. No, I don't believe so.

Q. In every case that you recall where you took an acknowledgment, the notary fees were paid by Kinkaid?

A. I think they were because the papers were usually handed to me to be attended to, or mailed to me, or the parties were with the parties to make the acknowledgment.

Q. You have no recollection of any claimant ever paying you anything for notary work?

A. No, I have no recollection of it.

Witness excused.

April 3, 1907.

NORMAN YOUNG, Recalled.

A. In asking me in reference to my checks from Steunenberg, I received checks from him for representation on mining claims, but they would be dated January or February.

Q. Of what year?

A. Of 1904, and I think I had representation done on his Buckskin group in 1905.

Q. Have you any data in your possession in reference to this matter?

A. No definite data, just thinking the matter over while I was at lunch.

Q. Yes, but you received some checks or your father received for you from Steunenberg on these timber fires?

A. Yes, but they would be dated during the fall months, they wouldn't be dated in January or Feb-

ruary. In thinking the matter over, there was some delay in receiving the money from Steunenbergh, I don't know but I called you (Mr. Sharp) up.

Q. What do you know about those papers that were sent to you on these Anderson contests, what conversation or letters did you receive from Kinkaid in reference to those papers that you signed as notary public.

A. He wrote me to the best of my recollection in a general way to see these parties at as early a date as possible, and see that the papers were properly executed and returned to him at once, to the best of my knowledge.

Q. You knew of the case before then?

A. Yes, sir.

Q. And had a talk with Kinkaid about them?

A. No, sir.

Q. You knew of them from talking with the entrymen themselves?

A. Yes, in a general way, you might say.

Q. Well, how did you come to be transacting business for Kinkaid?

A. I had mining deals with him, and had done quite a bit of his notary work along mining lines, securing leases and options, etc., for him.

Q. You were rather associated with Kinkaid in some of these matters?

A. Only in the way of debtor and creditor.

Q. You knew enough about his business to know what he was doing up there in locating these claims and the general arrangements with the entrymen, you knew they were advancing the money to the

entrymen and giving them \$250 for their right?

A. Only in a general way.

Q. Didn't you know that from conversations with Wells and Kinkaid, yourself? A. No, sir.

Q. Don't you recall a conversation with Kinkaid and Wells in which they told you yourself, that you could take up this claim and that the money would be furnished and that there would be \$250 in it for you?

A. No, sir, I never had any conversation along those lines.

Q. Did they tell you that they money would be furnished? A. No, sir.

Q. And wasn't the money furnished you through other sources than your own self?

A. No, sir, I had my own funds to prove up on my lands, I wouldn't have done it if it had been otherwise.

Q. Where did you say you had this money?

A. I had certificates of deposit in three banks.

Q. In whose name? A. My own name.

Q. Prior to the time this entry was made?

A. Yes, sir, some that had been there 6 months and drawn interest and then re-deposited again.

Q. What banks was it?

A. Capital State, Boise City National, the First National to the best of my recollection was only a short time deposit check.

Q. What was the amount you had in the Capital State?

A. I couldn't give you any idea of the amount in any of them, I know I had \$285, in Ada County Warrants up to January on the General Fund.

Q. January of what year?

A. 1902, the year I made my application.

Q. Did you cash those warrants yourself?

A. Yes, sir.

Q. Whereabouts?

A. At the treasurer's office, Mr. Eagleson, the Capital State Bank.

Q. 278?

A. Two hundred and eighty odd dollars.

Q. What did you do with the proceeds?

A. I think I had that at the store, I can't remember my finances particular on that score where I kept my money.

Q. Well, is that the money you used for proving up with?

A. Yes, sir.

Q. How long was it after you cashed your warrants until you used that money to prove up in the land office?

A. It was sometime, it must have been two months or more, I don't know exactly what time it was, I can't remember much about that.

Q. A month or two months?

A. A month and a half I should imagine.

Q. Well, then, if it was only a month and you had \$278 you would still have some more money.

A. I had certificates of deposit.

Q. Did you use them?

A. I turned the certificates in to Mr. Garrett, yes, sir, one or two of them.

Q. What were the amounts of the certificates, were they just even \$412.50?

A. No, sir, they were more than that in the aggre-

gate, I can't remember the amount, I know I wasn't broke after I paid by fees.

Q. Did Garrett give you back the change after you turned over the certificate of deposit?

A. I think I had \$420, in the land office, I forget now exactly, I know I got some change back.

Q. Now, what was the first thing you did after getting your final receipt, what did you do with that final receipt, take it to Kinkaid or Wells?

A. No, sir, I kept that.

Q. How long did you keep it?

A. Until Mr. Garrett told me to surrender it for the patent.

Q. Well, you had sold your land before the patent came.

A. I don't think I had. I'll tell you one thing, I am not positive as to dates and things of that kind, because I never made it a matter of record, and I have so many details to look after I can't remember.

Q. You were indebted and expected to be attached,—everything was being transacted in the name of your father?

A. Yes, but I had property in my own name, and have some still.

Q. They didn't have sufficient faith in you but what they did attach?

A. That was a different condition.

Q. You were still in an embarrassed condition at the time you took up this claim?

A. Yes, but I had liquidated my indebtedness, but the people I knew wouldn't bother me, because they told me they wouldn't.

Q. Well, but you were still indebted to these people—you mean to tell me you put up \$400 into a timber claim and didn't know when you could get it out, and these other people were transferring the same day that they made proof. You got your money as soon as you made proof in the land office or in a very few days.

A. I will tell you the only money I received from John Wells, he paid me \$400 on his private account and I give him a receipt on his private account.

Q. When was that?

A. That was in—I am not sure what month it was, I have it on my books.

Q. That was the time you proved up?

A. No, sir, it was after.

Q. How soon after—wasn't it the same time you made your proof?

A. No, sir, it wasn't. I want to be candid with you if you want to know about my private affairs, he paid me money on his \$900 indebtedness without counting any interest.

Q. What did he owe you for?

A. For merchandise supplied his family, he and his bum brother.

Q. When was it he gave you the \$400?

A. He gave me the four hundred dollars sometime in the spring months that I went back to open up business.

Q. 1902? A. Yes, sir.

Q. Was it just before you made your proof in the land office, or within a short time after you filed?

A. No, sir.

Q. Well, now is it a fact that after you filed on this land, when Wells and Kinkaid spoke to you about filing on this land as you said this morning, is it not a fact that you stated it would require more money than you had, and Wells said "All right, I will see that you get the money," and you said, "All right, if you will get the money?"

A. No, Mr. Wells several times when I dunned him, he promised to make me a good payment, that is all the assurance I had.

Q. That was before you paid the money in the land office?

A. Yes, sir.

Q. After you filed?

A. No, sir, not after I filed.

Q. Well, when was that?

A. That was along in the fall months.

Q. What did you do with the money?

A. He promised me a substantial payment, I said.

Q. I said what did you do with the \$400 that Wells paid to you?

A. I used some of it in paying off my indebtedness.

Q. You were hard up were you?

A. Not particular, I had eased myself up with my work, and my collections.

Q. But you had some indebtedness and you took part of this \$400 and used to pay off the indebtedness?

A. I did, yes, sir.

Q. How much did you have left?

A. When I went back to Centerville, I had with my life insurance, I think I had, I would have to

look at my day-book and journal to see.

Q. That wasn't sufficient to pay all your indebtedness, was it? A. Nearly so, yes, quite.

Q. But still you needed money?

A. Yes, I needed a little ready money, of course, a person going in business would.

Q. That was in the fall and you needed a little ready money?

A. I am speaking about when I went home.

Q. You say it was the fall when he gave you the money? A. In the spring months.

Q. Of what year?

A. I think it was in June or July, I went home.

Q. What year? A. 1902.

Q. Certain of that, are you?

A. I ain't certain about anything when it comes to dates. There is one thing I didn't need the money unless I was going back to go into business which I did.

Q. You needed it then?

A. Yes, sir, I needed it then, if I was going back.

Q. Well, you did go back?

A. Yes, sir, I went back.

Q. And you used the money in paying off some obligations.

A. I won't say just how long it was.

Q. Yet it was the same spring you took up your timber claim, 1902, when you got your final receipt?

A. Well, what do you call the final receipt?

Q. The receipt for the payment of the money in the land office.

A. I proved up in April, did I not?

Q. Was it sometime after you proved up before you got your final receipt?

A. I got my final receipt at the same time.

Q. You got your final receipt in July?

A. He gives you a receipt for your money.

Q. Gives you a receipt that you paid \$412.50 and on the surrender of that receipt you would be entitled to your patent.

A. He gave me a receipt first and then he gave me a typewritten receipt, and then I sent that back by registered mail, and got my patent, and it was in the spring months that I proved up, and I think it was just before I went home, I wouldn't say positive, but I think Mr. Wells paid me the money, but I want it distinctly understood that I had no agreement or arrangement with Mr. Wells in regard to the transfer of my property.

Q. In the spring months of that year, about the same time that it was necessary for you to advance money in the land office, this man Wells advanced \$400 to you—it is a peculiar thing that he advanced you \$400—

A. It was afterwards, but it was without any suggestion, I am sure on that point, that there was no consideration to transfer my property or rights at no time to them or anyone else in this timber claim.

Q. You were not given to understand that they advanced the money? A. Not in the least.

Q. Supposing Mr. Wells said himself that he advanced the money?

A. He may say so, but I received that money on

his account, and he says "I hope you make the most you can out of your timber claim."

Q. When was that?

A. The day in the land office after I got my receipt.

Q. What did he say when he gave you the money?

A. "Apply this on my account."

Q. And that was how long before you used it in the land office?

A. That was after I paid my money in the land office, after I got my receipt, I am positive as to that, and before I quit my position at Falks.

Q. How soon was it after you paid this money in the land office that you transferred the land?

A. I didn't make the transfer until Mr. Wells telephoned, I telephoned Mr. Wells for some more money, and he came up with \$700 and brought the deed, along for me to sign.

Q. When was that?

A. 1903, I think it was, in the summer time, I think he came in a buggy.

Q. You mean to tell me in the face of the facts we have in our possession that you didn't sign a deed, or that you didn't get the money, a payment on your land until the year 1903?

A. Did I locate in 1902?

Q. Yes, sir.

A. Then it must have been in 1903, I had moved, I had my store enlarged because I wanted to change the position of my safe. Before that time the office had been back in the other room.

Q. Did you take the acknowledgment of a Mr.

Glass to a deed?

A. Yes, sir, there was a deed sent back to me and I took his acknowledgment very recently, within the last two years, I guess it was.

Q. Who sent it to you?

A. I got that from Mr. Wells, he telephoned me about it.

Q. What did he say to you?

A. That he was sending up a deed, that Mr. Glass didn't answer his letter, that he sent a deed to Mr. Glass and he didn't answer his letter, and for me to see him and get the deed and return it to him.

Q. What reason did he give?

A. That Mr. Glass didn't answer his letter.

Q. What reason did he give that he wanted the deed signed? A. Didn't give any.

Q. You had previously taken the acknowledgment of the man in September, 1902?

A. I had forgotten as to that.

Q. Did the man sign the deed?

A. Yes, sir, he and his wife signed.

Q. And here is another one, Homer C. Granger that you took the acknowledgment, and the claim was transferred at the same time that the land was proved upon, and you put the acknowledgment and the deed is dated later, now what about that, is there more than one deed to that?

A. I don't remember of making the second one, Glass was the only one that my attention was called to.

Q. Did you have some understanding about leaving the acknowledgment blank or else putting a later

date in? A. No, sir.

Q. Why did you put a later date on?

A. The date that I received the acknowledgment, I would always put on.

Q. You have left it in blank?

A. No, I never executed one in blank. It isn't policy to do so.

Q. In any event if the date was in there, you put it later than it actually was?

A. What do you mean, my acknowledgment, or the date of the instrument?

Q. Your acknowledgment, the date of the deed and the date of the acknowledgment were all at a later date than the deed was actually signed, for instance the date of the acknowledgment and the date of the deed would be 1903, while as a matter of fact, the deed was signed in 1902.

A. Well, probably they didn't appear before me for acknowledgment until later.

Q. No, sir, they say that was the time they appeared before you.

A. I am always verified on my acknowledgment, I never change that.

Q. How many of these deeds did they send to you to be executed the second time?

A. I didn't know whether I was executing a second deed or not at the time I was executing any of them with the exception of Mr. Glass.

Q. Then there is Michael Koppas, when did you take that acknowledgment, when was that deed executed before you as a notary?

A. I couldn't say what time it was.

Q. 1902?

A. He didn't sell his claim until 1905, the time he went to California.

Q. Well, when was it you took the acknowledgment? A. I couldn't say.

Q. What were the circumstances attached to that, where was that acknowledgment taken?

A. That was taken at Centerville, he lived in Centerville.

Q. Who sent you the deed?

A. Do you know that it was I that took the acknowledgment in that case?

Q. Norman H. Young.

A. I will tell you the reason I asked that question. I was doing some real estate business for Koppas too; he sold his ranch and I don't remember Mr. Koppas' transaction at all. Only I remember that he came to Boise and sold his claim for \$1,000 just before he went to California in 1905.

Q. Do you recall a conversation that took place up there at Centerville at the time this man Anderson signed that relinquishment that you acknowledged as a notary, in reference to he didn't care a continental about the proposition, he didn't have no interest in it, it wasn't his money?

A. Yes, the old man told me he was tired and sick of it, or something like that and wished he had never got into it.

Q. And that it was their money and not his?

A. He said he was sorry he ever got into it.

Q. I know, but do you recall his saying that it was their money and not his and he didn't care

whether he got it back or not?

A. I don't know whether he said that to me or not, but it was the old man's sentiments, whether he said it or not.

Q. Well, who was there, wasn't Frank Martin there?

A. I am not sure but what he was, but I don't know who was in the office at the time, when the old man signed the paper at my desk.

Q. Didn't you have a talk with Wells and Kin-kaid in reference to that?

A. To the relinquishment and signing the papers?

Q. Yes, in regard to these contests.

A. No, not to my knowledge, I don't remember of any at present.

Witness excused."

Plaintiff's Exhibit No. 94B.

Check to George T. Young signed by Frank Steunenbergh, Agent. Dated Sept. 25th, 1903, in the sum of \$167.00.

Plaintiff's Exhibits Nos. 95A to 95L.

Plaintiff's Exhibit No. 95A.

JOHN R. GARY: Residence, Boise, Idaho; occupation, miner.

Sworn Statement, No. 298, dated and filed Dec. 19, 1901, for entry of Southeast quarter of Section 25, Tp. 8 North of Range 5 East, B. M.

Plaintiff's Exhibit No. 95B.

Notice for Publication; witnesses for final proof

John I. Wells, Dora C. Burns, Patrick H. Downs,
Lelia Lee.

Plaintiff's Exhibit No. 95C.

Testimony of John R. Gary, on final proof, dated
March 7th, 1902.

Plaintiff's Exhibit No. 95D.

ANSWERS Given by John R. Gary, to Questions 16,
17 and 18, on Cross-examination at Final Proof.

Answer to Ques. 16: Yes, sir. I do.

Answer to Ques. 17: Out of hard labor and mines.
Since about the 15th of Oct., 1901.

Answer to Ques. 18: I have. The Capital State
Bank of Boise.

Plaintiff's Exhibit No. 95E.

Testimony of witness, Patrick H. Downs, at final
proof.

Plaintiff's Exhibit No. 95F.

Cross-examination of witness, Patrick H. Downs,
at final proof.

Plaintiff's Exhibit No. 95G.

Receiver's Receipt No. 1942, dated July 18, 1902.

Plaintiff's Exhibit No. 95H.

Final Certificate No. 1942, dated July 18, 1902.

Plaintiff's Exhibit No. 95 I.

Deed of John R. Gary, and wife, to A. E. Palmer,
dated March 20th, 1903; consideration \$1,000; ac-
knowledged before L. M. Pritchard, Notary Public,
for land described in Exhibit 95A, filed for record,
Feb. 17, 1904, at the request of W. E. Borah.

Plaintiff's Exhibit No. 95J.

Non-mineral Affidavit.

Plaintiff's Exhibit No. 95K.

Affidavit of Publication.

Plaintiff's Exhibit No. 95L.

Patent to John R. Gary, January 28th, 1904, for land described in Exhibit No. 95A, Boise Meridian.

Plaintiff's Exhibits Nos. 96A to 96N.

Plaintiff's Exhibit No. 96A.

JOHN C. MONROE: Residence, Centerville, Idaho; occupation, engineer.

Sworn Statement No. 315, dated and filed December 31, 1901, for entry of Northeast Quarter of Section 25, Tp. 7 North of Range 5 East, Boise Meridian.

Plaintiff's Exhibit No. 96B.

Non-mineral Affidavit.

Plaintiff's Exhibit No. 96C.

Notice for Publication; witnesses for proof, P. H. Downs, John I. Wells, Norman H. Young, H. H. Wells.

Plaintiff's Exhibit No. 96D.

Testimony of John C. Monroe, at final proof, dated March 21st, 1902.

Plaintiff's Exhibit No. 96E.

ANSWERS of John C. Monroe, at Final Proof, to Questions 16, 17 and 18, on Cross-examination.

Answer to Ques. 16: Yes, sir. I do.

Answer to Ques. 17: From my labor and business. I have had several hundred dollars ever since I came West, 5 or 6 years.

Answer to Ques. 18: No, sir. Keep my money in my possession, there is no bank in Centerville.

Plaintiff's Exhibit No. 96F.

Receiver's Receipt No. 1985, dated July 29th, 1902.

Plaintiff's Exhibit No. 96G.

Final Certificate No. 1985, dated July 29th, 1902.

Plaintiff's Exhibit No. 96H.

Deed from John C. Monroe and Mary A. Monroe to A. E. Palmer, dated June 2nd, 1903; consideration, \$1,600; acknowledged before L. M. Pritchard, Notary Public, for land described in Exhibit 96A and 97A, and filed for record, Feb. 29th, 1904, at the request of W. E. Borah.

Plaintiff's Exhibit No. 96I.

Affidavit of Publication.

Plaintiff's Exhibit No. 96J.

Cross-examination of witness, Norman H. Young, at final proof.

Plaintiff's Exhibit No. 96K.

Testimony of witness, Norman H. Young, at final proof.

Plaintiff's Exhibit No. 96L.

Cross-examination of John I. Wells, at final proof.

Plaintiff's Exhibit No. 96M.

Testimony of John I. Wells, at final proof.

Plaintiff's Exhibit No. 96N.

Patent to John C. Monroe, dated Feb. 1st, 1904, for land described in Exhibit No. 96A.

Plaintiff's Exhibits Nos. 97A to 97L.

Plaintiff's Exhibit No. 97A.

MARY A. MONROE: Residence, Centerville, Idaho; occupation, merchant.

Sworn Statement No. 317, dated and filed January 7th, 1902, for entry of Southeast Quarter of Section 4, Tp. 7 North of Range 5 East, Boise Meridian.

Plaintiff's Exhibit No. 97B.

Testimony of Mary A. Monroe, on final proof, dated April 7, 1902.

Plaintiff's Exhibit No. 97C.

ANSWERS Given by Mary A. Monroe, to Questions 16, 17 and 18, on Cross-examination, at Final Proof.

Answer to Ques. 16: Yes, I do.

Ans. to Ques. 17: My husband gave it to me. Since April 5, 1902.

Answer to Ques. 18: No.

Plaintiff's Exhibit No. 97D.

Testimony of witness, John I. Wells, at final proof.

Plaintiff's Exhibit No. 97E.

Cross-examination of witness, John I. Wells, on final proof.

Plaintiff's Exhibit No. 97F.

Testimony of witness, Patrick H. Downs, at final proof.

Plaintiff's Exhibit No. 97G.

Receiver's Receipt No. 1993, dated Aug. 1st, 1902.

Plaintiff's Exhibit No. 97H.

Final Certificate No. 1993, dated Aug. 1st, 1902.

Plaintiff's Exhibit No. 97 I.

Cross-examination of witness, Patrick H. Downs, on final proof.

Plaintiff's Exhibit No. 97 J.

Non-mineral Affidavit.

Plaintiff's Exhibit No. 97K.

Notice for Publication; witnesses for final proof, Charles M. Wilmot, John I. Wells, Uriah Birney, Patrick H. Downs.

Plaintiff's Exhibit No. 97L.

Patent dated March 17th, 1904, to Mary A. Monroe, for land described in Exhibit No. 97A.

Plaintiff's Exhibits Nos. 98A to 98L.**Plaintiff's Exhibit No. 98D.**

MR. IRVING W. HART: Residence, Boise, Idaho; occupation, stenographer.

Sworn Statement, No. 571, filed and dated Sept. 9th, 1902, for entry of Northwest Quarter of Section 11, Tp. 7 North of Range 8 East, Boise Meridian.

Plaintiff's Exhibit No. 98A.

Affidavit for Publication.

Plaintiff's Exhibit No. 98B.

Notice for Publication; witnesses for final proof, Charles S. Kingsley, Mrs. Caro B. Kingsley, Edward H. Starn and Mary Starn.

Plaintiff's Exhibit No. 98C.

Non-mineral affidavit.

Plaintiff's Exhibit No. 98E.

Testimony of witness, Caro F. B. Kingsley, on final proof.

Plaintiff's Exhibit No. 98F.

Testimony of witness, Charles S. Kingsley, on final proof.

Plaintiff's Exhibit No. 98G.

ANSWERS Given by Irving W. Hart, to Questions 16, 17 and 18, on Cross-examination at Final Proof.

Answer to Ques. 16: Yes.

Answer to Ques. 17: From income derived from professional occupation. About 6 months.

Answer to Ques. 18: Yes. Capital State Bank, Boise.

Plaintiff's Exhibit No. 98H.

Testimony of Irving W. Hart, on final proof, dated December 22d, 1902.

Plaintiff's Exhibit No. 98 I.

Receiver's Receipt No. 2233, Dec. 22, 1902.

Plaintiff's Exhibit No. 98J.

Final Certificate No. 2233, dated Dec. 22, 1902.

Plaintiff's Exhibit No. 98K.

Deed from Irving W. Hart and Fannie R. Hart to Horace S. Rand; consideration, \$1,600.00; dated March 12th, 1903; acknowledged before J. L. Niday, Notary Public, for land described in Exhibit No. 99D and 98D, filed for record June 23, 1904, request of W. E. Borah.

Plaintiff's Exhibit No. 98L.

Patent to Irving W. Hart, dated May 13th, 1904, for land described in Exhibit No. 98D.

Plaintiff's Exhibits Nos. 99A to 99L.**Plaintiff's Exhibit No. 99D.**

MRS. FANNIE R. HART: Residence, Boise, Idaho; occupation, housewife.

Sworn Statement, No. 570, dated and filed Sept, 9th, 1902, for entry of Southwest Quarter of Section 11, Tp. 7 North of Range 8 East, Boise Meridian.

Plaintiff's Exhibit No. 99A.

Affidavit of Publication.

Plaintiff's Exhibit No. 99B.

Notice of Publication; witnesses for final proof, Charles S. Kingsley, Caro B. Kingsley, Edward Starn and Mary Starn.

Plaintiff's Exhibit No. 99C.

Non-mineral Affidavit.

Plaintiff's Exhibit No. 99E.

Testimony of witness, Caro F. B. Kingsley, at final proof.

Plaintiff's Exhibit No. 99F.

Testimony of witness, Charles S. Kingsley, at final proof.

Plaintiff's Exhibit No. 99H.

ANSWERS Given by Mrs. Fannie R. Hart, to Questions 16, 17 and 18, on Cross-examination, at Final Proof.

Answer to Ques. 16: Yes. Yes, I do.

Answer to Ques. 17: My father left it to me. The estate was settled a few days ago.

Answer to Ques. 18: Not lately. The Capital State Bank.

Plaintiff's Exhibit No. 99I.

Testimony of Mrs. Fannie R. Hart, at final proof, dated December 22d, 1902.

Plaintiff's Exhibit No. 99J.

Receiver's Receipt No. 2232, dated Dec. 22, 1902.

Plaintiff's Exhibit No. 99K.

Final Certificate No. 2232, dated Dec. 22, 1902.

Plaintiff's Exhibit No. 99L.

Patent to Fannie R. Hart, dated May 13th, 1904, for land described in Exhibit No. 99D.

Plaintiff's Exhibits Nos. 100A to 100N.

Plaintiff's Exhibit No. 100A.

CHARLES H. EAGLESON: Residence, Boise, Idaho; occupation, farmer.

Sworn Statement, 607, dated and filed Sept. 19th, 1902, for entry of South One-half of the Southwest Quarter, and South Half of the Southeast Quarter, Section 25, Tp. 7 North of Range 8 East, Boise Meridian.

Plaintiff's Exhibit No. 100B.

Testimony of Charles H. Eagleson, at final proof, dated January 29, 1903.

Plaintiff's Exhibit No. 100C.**AFFIDAVIT OF CHARLES H. EAGLESON, IN
RE POSTPONEMENT OF DATE OF FINAL
PROOF.**

“UNITED STATES LAND OFFICE,

Boise, Idaho, January 29, 1903.

Charles H. Eagleson, being first duly sworn, deposes and says: That he is the identical person who made timber and stone sworn statement #607 at this office on September 19, 1903, for the purchase of the S. $\frac{1}{2}$ SW. $\frac{1}{4}$ and S. $\frac{1}{2}$ SE. $\frac{1}{4}$, Sec. 25, Tp. 7 N., R. 8 E., B. M., and who advertised to offer proof on the 20th day of January, 1903; that he did not offer proof on that date or until this date for the reason that his brother from whom he expected to borrow the money, did not get a payment on some land he expected to sell, and had to borrow the money to make the payments for the tract above described.

CHARLES H. EAGLESON.

Subscribed and sworn to before me this 29th day of January, 1903.

EDWARD E. GARRETT,

Receiver.”

Plaintiff's Exhibit No. 100D.

ANSWERS Given by Charles H. Eagleson, to Questions 16, 17 and 18, on Cross-examination, at Final Proof.

Answer to Ques. 16: Yes.

Answer to Ques. 17: I borrowed the necessary amount on my personal note from Capital State

Bank, Boise, Idaho, to-day. Tract of land applied for, in no way involved as security.

Answer to Ques. 18: Only as member of firm of Eagleson & Sons, with Capital State Bank, Boise, Idaho.

Plaintiff's Exhibit No. 100E.

Testimony of witness, Emerson S. Sensenig, at final proof.

Plaintiff's Exhibit No. 100F.

Notice for Publication; witnesses for final proof, Jacob V. Nusbaum, Emerson S. Sensenig, Patrick H. Downs, John I. Wells.

Plaintiff's Exhibit No. 100G.

Cross-examination of witness, Emerson S. Sensenig, at final proof.

Plaintiff's Exhibit No. 100H.

Testimony and Cross-examination of witness, Jacob V. Nusbaum, at final proof.

Plaintiff's Exhibit No. 100 I.

Affidavit of Publication.

Plaintiff's Exhibit No. 100J.

Non-mineral Affidavit.

Plaintiff's Exhibit No. 100K.

Deed—Charles H. Eagleson, to Horace S. Rand; dated Feb. 16th, 1903; consideration, \$800; acknowledged before L. M. Pritchard, Notary Public, and filed for record at the request of W. E. Borah, June 23d, 1904. Conveys land described in Exhibit No. 100A.

Plaintiff's Exhibit No. 100L.

Receiver's Receipt, No. 2288, dated January 29, 1903.

Plaintiff's Exhibit No. 100M.

Final Certificate, No. 2288, dated January 29, 1903.

Plaintiff's Exhibit No. 100N.

Patent, dated March 24th, 1904, to Charles H. Eagleson, for land described in Exhibit No. 100A.

Plaintiff's Exhibits 101A to 101M.**Plaintiff's Exhibit No. 101A.**

BENJAMIN C. EAGLESON: Residence, Boise, Idaho; occupation, lumberman.

Sworn Statement, No. 610, dated and filed Sept. 19th, 1902, for entry of North One-half of the Southwest Quarter and North One-half of the Southeast Quarter, Section 25, Tp. 7 North, Range 8 East, Boise Meridian.

Plaintiff's Exhibit No. 101B.

Notice for Publication; witnesses for final proof, Jacob V. Nusbaum, Emerson S. Sensenig, Patrick H. Downs, and Harry K. Eagleson.

Plaintiff's Exhibit No. 101C.

Non-mineral Affidavit.

Plaintiff's Exhibit No. 101D.

Testimony of Benjamin C. Eagleson at final proof, dated January 21st, 1903.

Plaintiff's Exhibit No. 101E.

ANSWERS of Benjamin C. Eagleson, to Questions 16, 17 and 18, on Cross-examination at Final Proof.

Answer to Ques. 16: Yes.

Answer to Ques. 17: From my own earnings. Have had same on deposit several months.

Answer to Ques. 18: Yes. Capital State Bank, Boise, Idaho.

Plaintiff's Exhibit No. 101F.

Cross-examination of witness, Emerson S. Sensenig, at final proof.

Plaintiff's Exhibit No. 101G.

Testimony of witness, Emerson S. Sensenig, at final proof.

Plaintiff's Exhibit No. 101H.

Cross-examination of witness, Jacob V. Nusbaum, at final proof.

Plaintiff's Exhibit No. 101I.

Testimony of witness, Jacob V. Nusbaum, at final proof.

Plaintiff's Exhibit No. 101J.

Final Certificate No. 2273, dated Jan. 21, 1903.

Plaintiff's Exhibit No. 101K.

Receiver's Receipt No. 2273, dated Jan. 21, 1903.

Plaintiff's Exhibit No. 101L.

Affidavit of Publication.

Plaintiff's Exhibit No. 101M.

Patent dated July 2d, 1904, to Benjamin C. Eagleson, for land described in Exhibit No. 101A.

Plaintiff's Exhibits Nos. 102A to 102N.

Plaintiff's Exhibit No. 102A.

BERTHA MARTIN: Residence, Boise, Idaho; occupation, housekeeper.

Sworn Statement, No. 1504, dated and filed Jan.

25th, 1905, for entry of Lots 1 and 2, and South One-half of the Northeast Quarter of Section 1, Tp. 7 North of Range 5 East, B. M.

Plaintiff's Exhibit No. 102B.

Notice for Publication: witnesses for final proof, Harry L. Fisher, B. Clyde Eagleson, P. H. Downs, Alva L. Lindsay.

Plaintiff's Exhibit No. 102C.

Non-mineral Affidavit.

Plaintiff's Exhibit No. 102D.

Testimony of Bertha Martin, at final proof, dated April 13, 1905.

Plaintiff's Exhibit No. 102E.

ANSWERS Given by Bertha Martin, to Questions 16, 17 and 18, on Cross-examination, at Final Proof.

Answer to Ques. 16: Yes, sir; to both questions.

Answer to Ques. 17: I received the money from my husband, originally. A few days only.

Answer to Ques. 18: No.

Plaintiff's Exhibit No. 102F.

Receiver's Receipt No. 3307, dated April 13, 1905.

Plaintiff's Exhibit No. 102G.

Final Certificate No. 3307, dated April 13, 1905.

Plaintiff's Exhibit No. 102H.

Affidavit of Publication.

Plaintiff's Exhibit No. 102I.

Cross-examination of witness, Harry L. Fisher, on final proof.

Plaintiff's Exhibit No. 102J.

Non-alienation Affidavit.

Plaintiff's Exhibit No. 102K.

Testimony of witness, Harry L. Fisher, on final proof.

Plaintiff's Exhibit No. 102L.

Cross-examination of witness, B. Clyde Eagleson, on final proof.

Plaintiff's Exhibit No. 102M.

Testimony of witness, B. Clyde Eagleson, on final proof.

Plaintiff's Exhibit No. 102N.

Patent, Dec. 30th, 1905, date of issuance, to Bertha Martin, for land described in Exhibit No. 102A.

Plaintiff's Exhibits Nos. 103A to 103L.

Plaintiff's Exhibit No. 103C.

SAMUEL E. VANCE: Residence, Boise, Idaho; occupation, civil engineer.

Sworn Statement No. 992, dated and filed Aug. 10th, 1903, for entry of Northwest Quarter of Section 29, Tp. 6 North of Range 8 East, Boise Meridian.

Plaintiff's Exhibit No. 103A.

Notice for Publication; witnesses for final proof, John E. Hobbs, Hiram Maynard, Benjamin B. Allen, John J. Pawley.

Plaintiff's Exhibit No. 103B.

Non-mineral Affidavit.

Plaintiff's Exhibit No. 103D.

Cross-examination of witness, Hiram Maynard, in connection with direct examination, on final proof.

Plaintiff's Exhibit No. 103E.

Testimony of witness, Hiram Maynard.

Plaintiff's Exhibit No. 103F.

Cross-examination of witness, John J. Pawley, on final proof.

Plaintiff's Exhibit No. 103G.

Testimony of witness, John J. Pawley, on final proof.

Plaintiff's Exhibit No. 103H.

ANSWERS Given by Samuel E. Vance, to Questions 16, 17 and 18, on Cross-examination, at Final Proof.

Answer to Ques. 16: Yes.

Answer to Ques. 17: I earned the money. Have had this amount six months.

Answer to Ques. 18: No.

Plaintiff's Exhibit No. 103I.

Testimony of Samuel E. Vance, at final proof, dated November 10th, 1903.

Plaintiff's Exhibit No. 103J.

Receiver's Receipt No. 2694, dated Nov. 10, 1903.

Plaintiff's Exhibit No. 103K.

Final Certificate, No. 2694, dated Nov. 10, 1903.

Plaintiff's Exhibit No. 103K.

Affidavit of Publication.

Plaintiff's Exhibit No. 103K.

Deed from Samuel E. Vance and Mollie L. Vance, to Horace S. Rand, dated Dec. 16th, 1903; consideration, \$800.00; acknowledged before L. M. Pritchard, Notary Public, for land described in Exhibit 103C, and filed for record at the request of W. E. Borah, July 1st, 1904.

Plaintiff's Exhibit No. 103L.

Patent to Samuel E. Vance, dated Sept. 9th, 1904, for land described in Exhibit No. 103C.

Plaintiff's Exhibits Nos. 104A to 104 I.

Plaintiff's Exhibit No. 104A.

MRS. ELVIE M. BUTLER: Residence, Boise, Idaho; occupation, housewife.

Sworn Statement No. 582, dated and filed Sept. 15th, 1902, for entry of Lot 4, Southwest Quarter of Northwest Quarter, and West Half of Southwest Quarter, of Section 2, Tp. 7 North of Range 8 East, Boise Meridian.

Plaintiff's Exhibit No. 104B.

Non-mineral Affidavit.

Plaintiff's Exhibit No. 104C.

Notice for Publication; witnesses for final proof, Merritt L. Twogood, Alfred Bayhouse, Henry Bayhouse, and Patrick H. Downs.

Plaintiff's Exhibit No. 104D.

Testimony of Elvie M. Butler, at final proof, dated January 8th, 1903.

Plaintiff's Exhibit No. 104E.

ANSWERS Given by Elvie M. Butler, at Final Proof, to Questions 16, 17 and 18, on Cross-examination.

Answer to Ques. 16: Yes.

Answer to Ques. 17: The money has been given me in small installments during 3 yrs. last past by my husband.

Answer to Ques. 18: No.

Plaintiff's Exhibit No. 104F.

Receiver's Receipt No. 2255, dated Jan. 8th, 1903.

Plaintiff's Exhibit No. 104G.

Final Certificate No. 2255, dated Jan. 8th, 1903.

Plaintiff's Exhibit No. 104H.

Deed from Edward E. Butler and Elvie M. Butler to Horace S. Rand, dated Feb. 12th, 1903, consideration \$800; acknowledged before L. M. Pritchard, conveying land described in Exhibit No. 104A, filed June 23d, 1904, for record, at the request of W. E. Borah.

Plaintiff's Exhibit No. 104 I.

Patent to Mrs. Elvie M. Butler, dated May 24th, 1904, for land described in Exhibit No. 104A.

Plaintiff's Exhibits Nos. 105A to 105P.**Plaintiff's Exhibit No. 105A.**

MRS. LOUISA E. BUTLER: Boise, Idaho; occupation, housewife.

Sworn Statement No. 581, dated and filed Sept. 15th, 1902, for entry of North One-half of the Southwest Quarter North One-half of the Southeast Quar-

ter Section 4, Tp. 7 North of Range 8 East, Boise Meridian.

Plaintiff's Exhibit No. 105B.

Notice for Publication; witnesses for final proof, Edward E. Butler, Merritt L. Twogood, Patrick H. Downs, Henry Bayhouse.

Plaintiff's Exhibit No. 105C.

Non-mineral Affidavit.

Plaintiff's Exhibit No. 105D.

Testimony of Louisa E. Butler, at final proof, dated January 8th, 1903.

Plaintiff's Exhibit No. 105E.

ANSWERS Given by Louisa E. Butler to Questions 16, 17 and 18, at Final Proof, on Cross-examination.

Answer to Ques. 16: Yes.

Answer to Ques. 17: The money has been deposited in my husband's name. It has belonged to me for over a year.

Answer to Ques. 18: No.

Plaintiff's Exhibit No. 105F.

Receiver's Receipt, No. 2254, dated Jan. 8, 1903.

Plaintiff's Exhibit No. 105G.

Final Certificate No. 2254, dated Jan. 8, 1903.

Plaintiff's Exhibit No. 105H.

Affidavit of Publication.

Plaintiff's Exhibit No. 105 I.

Cross-examination of witness, Merritt L. Twogood, on final proof.

Plaintiff's Exhibit No. 105J.

Testimony of Merritt L. Twogood, on final proof.

Plaintiff's Exhibit No. 105K.

Cross-examination of witness, Henry Bayhouse, on final proof.

Plaintiff's Exhibit No. 105L.

Testimony of witness, Henry Bayhouse, on final proof.

Plaintiff's Exhibit No. 105M.

Affidavit of Publication.

Plaintiff's Exhibit No. 105N.

Missing.

Plaintiff's Exhibit No. 105O.

Deed from George W. Butler and Louisa E. Butler, to Horace S. Rand, dated Feb. 12th, 1903; consideration \$950.00; acknowledged before L. M. Pritchard, Notary Public, filed for record at the request of W. E. Borah, June 23d, 1904. . Conveys land described in Exhibit No. 105A.

Plaintiff's Exhibit No. 105P.

Patent dated May 24th, 1904, to Louisa E. Butler, for land described in Exhibit No. 105A.

Plaintiff's Exhibits Nos. 106A to 106R.**Plaintiff's Exhibit No. 106D.**

ALICE FORDNEY: Residence, Boise, Idaho; occupation, housewife.

Sworn Statement No. 579, dated and filed Sept. 15th, 1902, for entry of Lots 1 and 2, and South One-half of the Northeast Quarter, Section 3, Tp. 7 North of Range 8 East, Boise Meridian.

Plaintiff's Exhibit No. 106A.

Affidavit of Publication.

Plaintiff's Exhibit No. 106B.

Notice for Publication; witnesses for Publication, Edward E. Butler, Henry Bayhouse, Alfred Bayhouse, and Merritt L. Twogood.

Plaintiff's Exhibit No. 106C.

Non-mineral Affidavit.

Plaintiff's Exhibit No. 106E.

Cross-examination of witness, Merritt L. Twogood, at final proof.

Plaintiff's Exhibit No. 106F.

Testimony of witness, Merritt L. Twogood, at final proof.

Plaintiff's Exhibit No. 106G.

Cross-examination of witness, Henry Bayhouse, on final proof.

Plaintiff's Exhibit No. 106H.

Testimony of witness, Henry Bayhouse, on final proof.

Plaintiff's Exhibit No. 106 I.

AFFIDAVIT OF ALICE FORDNEY, IN RE
POSTPONEMENT DATE OF MAKING
FINAL PROOF.

“UNITED STATES LAND OFFICE,

Boise, Idaho, January 8, 1903.

Mrs. Alice Fordney being first duly sworn, deposes and says: That she is the identical person who made timber and stone sworn statement #579, at this office on September 15, 1902, for the purchase of Lots 1 and 2 and S. $\frac{1}{2}$ NE. $\frac{1}{4}$, Sec. 3, Tp. 7 N., R.

8 E., B. M., and who advertised to offer proof therefor on the 7th day of January, 1903; that she did not offer proof on the day advertised for the reason that her money from Oregon did not reach here until to-day.

MRS. ALICE FORDNEY.

Subscribed and sworn to before me this 8th day of January, 1903.

EDWARD E. GARRETT,
Receiver."

Plaintiff's Exhibit No. 106J.

ANSWERS Given by Alice Fordney, to Questions 16, 17 and 18, on Cross-examination at Final Proof.

Answer to Ques. 16: I did, and I do.

Answer to Ques. 17: Had part of it, about \$50.00, several months, and my brothers gave me the rest, no promise to recompense.

Answer to Ques. 18: No.

Plaintiff's Exhibit No. 106K.

Testimony of Alice Fordney, on final proof, dated January 8th, 1903.

Plaintiff's Exhibit No. 106L.

Affidavit of Publication.

Plaintiff's Exhibit No. 106M.

Receiver's Receipt No. 2256, dated Jan. 8th, 1903.

Plaintiff's Exhibit No. 106N.

Final Certificate No. 2256, dated Jan. 8th, 1903.

Plaintiff's Exhibit No. 106O.

Affidavit of Publication.

Plaintiff's Exhibit No. 106P.

Deed from Alice Fordney, to Horace S. Rand, dated Feb. 12th, 1903; consideration \$950.00; acknowledged before L. M. Pritchard, Notary Public, and filed for record July 1st, 1904, request of W. E. Borah. Conveys land described in Exhibit No. 106D.

Plaintiff's Exhibit No. 106Q.

Patent dated August 23d, 1904, to Alice Fordney for land described in Exhibit No. 106D.

Plaintiff's Exhibit No. 106R.

Affidavit of Alice Fordney, as to error in final proof testimony.

Plaintiff's Exhibits Nos. 107A to 107N.

Plaintiff's Exhibit No. 107A.

EDWARD A. LOCKHART: Residence, Boise, Idaho; occupation, dental surgeon.

Sworn Statement, No. 978, dated and filed July 24th, 1903, for entry of North One-half of the Southeast Quarter, Southeast Quarter of Southeast Quarter of Section 1, and Northeast Quarter of Northeast Quarter of Section 12, Tp. 6 North of Range 7 East, Boise Meridian.

Plaintiff's Exhibit No. 107B.

Testimony of Edward A. Lockhart, at final proof; dated October 16, 1903.

Plaintiff's Exhibit No. 107C.

ANSWERS Given by Edward A. Lockhart, to Questions 16, 17 and 18, on Cross-examination, at Final Proof.

Answer to Ques. 16: Yes.

Answer to Ques. 17: Money earned in business.
Have had same 3 or 4 years.

Answer to Ques. 18: Yes. Boise County Bank,
Idaho City.

Plaintiff's Exhibit No. 107D.

Receiver's Receipt No. 2657, dated Oct. 16th, 1903.

Plaintiff's Exhibit No. 107E.

Final Certificate No. 2657, dated Oct. 16th, 1903.

Plaintiff's Exhibit No. 107F.

Deed—Edward A. Lockhart, and wife, to Horace S. Rand, dated Nov. 5th, 1903; consideration \$800.00; acknowledged before Burt Resser, Notary Public, and filed for record July 1st, 1904, at the request of W. E. Borah. Conveys land described in Exhibit No. 107A.

Plaintiff's Exhibit No. 107G.

Notice for Publication; witnesses for final proof, Burt Resser, Luella H. Jaycox, Orlin R. Jaycox, and Patrick H. Downs.

Plaintiff's Exhibit No. 107H.

Non-mineral Affidavit.

Plaintiff's Exhibit No. 107I.

Cross-examination of Orlin R. Jaycox, witness, at final proof.

Plaintiff's Exhibit No. 107M.

Testimony of witness, Orlin R. Jaycox, at final proof.

Plaintiff's Exhibit No. 107J.

Non-saline Affidavit.

Plaintiff's Exhibit No. 107K.

Cross-examination of witness, Burt Resser, at final proof.

Plaintiff's Exhibit No. 107L.

Testimony of witness, Burt Resser, at final proof.

Plaintiff's Exhibit No. 107N.

Patent dated Aug. 23d, 1904, to Edward A. Lockhart, for land described in Exhibit No. 107A.

Plaintiff's Exhibits Nos. 108A to 108Q.

Plaintiff's Exhibit No. 108A.

GEORGE W. BUTLER: Residence, Boise, Idaho; occupation, ice man.

Sworn Statement No. 614, dated and filed Sept. 23d, 1902, and for entry of East One-half of the Southeast Quarter, Southwest Quarter of the Southeast Quarter and Southeast Quarter of the Northeast Quarter, Section 17, Tp. 7 North, of Range 8 East, Boise Meridian.

Plaintiff's Exhibit No. 108B.

Notice for Publication; witnesses for final proof, Edgar E. Bush, Walter Joplin, John I. Wells, Patrick H. Downs.

Plaintiff's Exhibit No. 108C.

Notice for Re-publication; witnesses for final proof, Edgar E. Bush, Walter Joplin, John I. Wells and Patrick H. Downs.

Plaintiff's Exhibit No. 108D.

Non-mineral affidavit.

Plaintiff's Exhibit No. 108E.

Testimony of George W. Butler, on final proof, dated May 4th, 1903.

Plaintiff's Exhibit No. 108F.

ANSWERS Given by George W. Butler, to Questions 16, 17 and 18, on Cross-examination, at Final Proof.

Answer to Ques. 16: Yes, sir. Yes, sir.

Answer to Ques. 17: From my business. About 2 months.

Answer to Ques. 18: Yes. Bank of Commerce.

Plaintiff's Exhibit No. 108G.

Receiver's Receipt No. 2403, dated May 4th, 1903.

Plaintiff's Exhibit No. 108H.

Final Certificate No. 2403, dated May 4th, 1903.

Plaintiff's Exhibit No. 108 I.

Deed from George W. Butler and wife, Louisa, to Horace S. Rand, dated May 16th, 1903; consideration, \$1,000.00, executed before L. M. Pritchard, Notary Public, and filed for record at the request of W. E. Borah, July 1st, 1904, conveys land described in Exhibit No. 108A.

Plaintiff's Exhibit No. 108J.

Affidavit of George W. Butler, in re postponement of deed of making of final proof.

Plaintiff's Exhibit No. 108K.

Affidavit of George W. Butler, in re inability to provide funds for making final proof on date set for same, and request for new date.

“UNITED STATES LAND OFFICE,

Boise City, Idaho.

State of Idaho,
County of Ada,—ss.

George W. Butler, being first duly sworn, deposes and says: That he is a citizen of the United States over the age of 21 years; and the identical person who on the 23d day of September, 1902, made Timber and Stone Sworn Statement No. 614, for the purchase of the E. $\frac{1}{2}$ of the SE. $\frac{1}{4}$ and the SW. $\frac{1}{4}$ of the SE. $\frac{1}{4}$, and the SE. $\frac{1}{4}$ of the NE. $\frac{1}{4}$ of Section 17, in Township No. 7 North of range No. east of Boise Meridian, for which he was to offer proof on the 22d day of January, 1903; that he was unable to proof up on said entry on the 22d day of January, 1903, and is still unable to prove up on said land for the reason that he has no money; that he and his brother, Edward E. Butler are engaged in the ice business and they were obliged to use the money in the ice business; that it cost them \$200.00 more to put up ice this year than it ever did before; that affiant loaned one, Fred Dolan, the sum of \$150.00, and the said Dolan has not repaid the same; that affiant has contracted to sell 125 tons of hay, but that he has not been able to have the hay baled, and consequently cannot deliver the said hay and therefore cannot get the money for it; that bad weather is the reason the hay could not be baled; that affiant asks that he be given further time to prove up on said land, and that a new time be set for proving up,

and a new notice of publication be published.

GEORGE W. BUTLER.

Subscribed and sworn to before me this 29th day
of January, 1903.

HARRY J. SYMS,
Register."

"State of Idaho,
County of Ada,—ss.

Edward E. Butler, being first duly sworn, deposes
and says: That he is a citizen of the United States
over the age of 21 years; that he has read the forego-
ing affidavit and knows the contents thereof, and that
the same is true of his own knowledge.

EDWARD E. BUTLER.

Subscribed and sworn to before me this 29th day
of January, 1903.

HARRY J. SYMS,
Register."

Plaintiff's Exhibit No. 108L.

Affidavit of Re-publication.

Plaintiff's Exhibit No. 108M.

Testimony of witness, Walter Joplin, at final
proof.

Plaintiff's Exhibit No. 108N.

Testimony of witness, Edgar E. Bush, at final
proof.

Plaintiff's Exhibit No. 108O.

Cross-examination of witness, Walter Joplin, at
final proof.

Plaintiff's Exhibit No. 108P.

Cross-examination of witness, Edgar E. Bush, at final proof.

Plaintiff's Exhibit No. 108Q.

Patent dated July 26th, 1904, to George W. Butler, for land described in Exhibit No. 108A.

Plaintiff's Exhibits Nos. 109A to 109M.

Plaintiff's Exhibit No. 109A.

ANDREW F. JOPLIN: Residence South Boise, Idaho; occupation, laborer.

Sworn Statement No. 644, dated and filed Oct. 2, 1902, for entry of Lots 1, 2, 3 and 4, in Section 5, Tp. 6 North of Range 8 East, Boise Meridian.

Plaintiff's Exhibit No. 109B.

Testimony of Andrew Joplin, on final proof, dated March 19, 1903.

Plaintiff's Exhibit No. 109G.

ANSWERS Given by Andrew Joplin, to Questions 16, 17 and 18, on Cross-examination at Final Proof.

Answer to Ques. 16: Yes, sir. Yes, sir.

Answer to Ques. 17: I worked for it; about ten years.

Answer to Ques. 18: No, sir.

Plaintiff's Exhibit No. 109D.

Receiver's Receipt No. 2351, dated March 19, 1903.

Plaintiff's Exhibit No. 109E.

Final Certificate No. 2351, dated March 19, 1903.

Plaintiff's Exhibit No. 109F.

Notice for Publication; witnesses for final proof, Walter L. Wilson, Lena D. Wilson, Sonora A. Joplin, and Patrick H. Downs.

Plaintiff's Exhibit 109G.

Non-mineral Affidavit.

Plaintiff's Exhibit No. 109H.

Cross-examination of witness, Walter L. Wilson, on final proof.

Plaintiff's Exhibit No. 109I.

Testimony of witness, Walter F. Wilson, on final proof.

Plaintiff's Exhibit No. 109J.

Cross-examination of witness, Lena D. Wilson, on final proof.

Plaintiff's Exhibit No. 109K.

Testimony of witness, Lena D. Wilson, on final proof.

Plaintiff's Exhibit No. 109L.

Deed from Andrew F. Joplin, to Horace S. Rand, dated March 25th, 1903; consideration, \$950.00; acknowledged before L. M. Pritchard, and filed for record at the request of W. E. Borah, July 1st, 1904, conveys land described in Exhibit No. 109A.

Plaintiff's Exhibit No. 109M.

Patent dated June 10th, 1904, to Andrew F. Joplin, for land described in Exhibit No. 109A.

Plaintiff's Exhibits Nos. 110A to 110N.

Plaintiff's Exhibit No. 110A.

LELIA LEE: Residence, Boise, Idaho; occupation, rancher.

Sworn Statement, No. 294, dated and filed Dec. 19th, 1901, for entry of Southeast quarter of Section 1, Tp. 7 North, of Range 5 East, Boise Meridian.

Plaintiff's Exhibit No. 110B.

Testimony of Lelia Lee, on final proof, dated March 6, 1902.

Plaintiff's Exhibit No. 110C.

ANSWERS Given by Lelia Lee, to Questions 16, 17 and 18, on Cross-examination at Final Proof.

Answer to Ques. 16: I do. Yes, sir.

Answer to Ques. 17: From my brother's estate; since Nov. 9, 1901.

Answer to Question 18: Yes, sir. At present, my husband and I keep our bank account together now, in the First National Bank of Idaho, Boise.

Plaintiff's Exhibit No. 110D.

Notice for Publication; witnesses for final proof, John I. Wells, Dora C. Burns, Patrick H. Downs, Ida M. Briggs.

Plaintiff's Exhibit No. 110E.

Non-mineral Affidavit.

Plaintiff's Exhibit No. 110F.

Cross-examination of witness, Dora C. Burns, on final proof.

Plaintiff's Exhibit No. 110G.

Testimony of witness, Dora C. Burns, on final proof.

Plaintiff's Exhibit No. 110H.

Cross-examination of witness, Ida M. Briggs, on final proof.

Plaintiff's Exhibit No. 110 I.

Testimony of witness, Ida M. Briggs, on final proof.

Plaintiff's Exhibit No. 110J.

Affidavit of Publication.

Plaintiff's Exhibit No. 110K.

Final Certificate No. 1946, dated July 18, 1902.

Plaintiff's Exhibit No. 110L.

Receiver's Receipt No. 1946, dated July 18, 1902.

Plaintiff's Exhibit No. 110M.

Deed from Lelia Lee to A. E. Palmer, dated March 26th, 1903; consideration, \$1,000.00; acknowledged before L. M. Pritchard, Notary Public, and filed for record, July 10th, 1903, at the request of W. E. Borah. Conveys land described in Exhibit No. 110A.

Plaintiff's Exhibit No. 110N.

Patent dated Feb. 1st, 1904, to Lelia Lee, for land described in Exhibit No. 110A.

Plaintiff's Exhibits Nos. 111A to 111N.**Plaintiff's Exhibit No. 111A.**

WALTER S. WALKER: Residence, Boise, Idaho; occupation, insurance agt.

Sworn Statement No. 352, dated and filed April 5th, 1902, for entry of Southeast Quarter of Section 31, Tp. 6 North of Range 6 East, Boise Meridian.

Plaintiff's Exhibit No. 111B.

Notice for Publication; witnesses for final proof, Harry S. Worthman, Patrick H. Downs, John I. Wells, and J. A. Lippincott.

Plaintiff's Exhibit No. 111C.

Non-mineral Affidavit.

Plaintiff's Exhibit No. 111D.

Testimony of Walter S. Walker, at final proof, dated June 20, 1902.

Plaintiff's Exhibit No. 111E.

ANSWERS Given by Walter S. Walker to Questions 16, 17 and 18, on Cross-examination at Final Proof.

Answer to Ques. 16: I did. Yes, sir.

Answer to Ques. 17: From my business. Several years.

Answer to Ques. 18: Yes. Capital State Bank, Boise.

Plaintiff's Exhibit No. 111F.

Testimony of witness, Patrick H. Downs, on final proof.

Plaintiff's Exhibit No. 111G.

Cross-examination of witness, Patrick H. Downs, on final proof.

Plaintiff's Exhibit No. 111H.

Receiver's Receipt No. 1881, June 20th, 1902.

Plaintiff's Exhibit No. 111I.

Final Certificate No. 1881, dated June 20th, 1902.

Plaintiff's Exhibit No. 111J.

Testimony of witness, Harry S. Worthman, on final proof.

Plaintiff's Exhibit No. 111K.

Cross-examination of witness, Harry S. Worthman on final proof.

Plaintiff's Exhibit No. 111L.

Affidavit of Publication.

Plaintiff's Exhibit No. 111M.

Deed from Walter S. Walker and wife, Minnie, to A. E. Palmer, dated March 16th, 1903; consideration, \$1,000.00; acknowledged before Sherman G. King, Notary Public, and filed for record Feb. 18th, 1904, at the request of W. E. Borah. Conveys land described in Exhibit No. 111A.

Plaintiff's Exhibit No. 111N.

Patent dated Jan. 28th, 1904, to Walter S. Walker, for land described in Exhibit No. 111A.

Plaintiff's Exhibits Nos. 112A to 112L.**Plaintiff's Exhibit No. 112A.**

CLARA B. EWING: Residence, Boise, Idaho; occupation, music teacher.

Sworn Statement No. 497, dated and filed Aug. 11, 1902, for entry of East One-half of the Northwest Quarter, and West One-half of the Northeast Quarter, of Section 34, Tp. 7 North of Range 5 East, B. M.

Plaintiff's Exhibit No. 112B.

Notice for Publication; witnesses for final proof, George S. Warren, Robert E. Heel, William Humphrey, and John I. Wells.

Plaintiff's Exhibit No. 112C.

Non-mineral Affidavit.

Plaintiff's Exhibit No. 112D.

Testimony of Clara B. Ewing, on final proof, dated November 7, 1902.

Plaintiff's Exhibit No. 112E.

ANSWERS Given by Clara B. Ewing, to Questions 16, 17 and 18, on Cross-examination, at Final Proof.

Answer to Ques. 16: I did, and I do.

Answer to Ques. 17: Earned it by teaching; have had it since May, 1902.

Answer to Ques. 18: Yes. First National Bank, Boise, Idaho; Citizen's National Bank, Mankato, Minn., before coming to Idaho.

Plaintiff's Exhibit No. 112F.

Receiver's Receipt No. 2152, dated Nov. 7th, 1902.

Plaintiff's Exhibit No. 112G.

Final Certificate No. 2152, dated Nov. 7th, 1902.

Plaintiff's Exhibit No. 112H.

Deed from Albert B. Ewing, and Clara B. Ewing, to A. E. Palmer, dated June 29th, 1903; consideration, \$1950.00; acknowledged before L. M. Pritchard, Notary Public, for land described in Exhibits No. 112A and Exhibit A. B. Ewing No. 1, filed at the request of W. E. Borah, for record, Feb. 26th, 1904.

Plaintiff's Exhibit No. 112I.

Testimony of witness, George S. Warren, at final proof.

Plaintiff's Exhibit No. 112J.

Testimony of witness, Wm. Humphrey, at final proof.

Plaintiff's Exhibit No. 112K.

Affidavit of Publication.

Plaintiff's Exhibit No. 112L.

Patent dated April 8th, 1904, to Clara B. Ewing, for land described in Exhibit No. 112A.

Plaintiff's Exhibits Nos. 113A to 113O.**Plaintiff's Exhibit No. 113F.**

EVELYN O'FARRELL, Boise, Idaho; Teacher.

Sworn Statement No. 280, dated and filed Nov. 27th, 1901, for entry of South One-half of the Southeast Quarter Section 26, and North One-half of the Northeast Quarter, Section 35, Tp. 7 North of Range 5 East, Boise Meridian.

Plaintiff's Exhibit No. 113A.

Affidavit of Publication.

Plaintiff's Exhibit No. 113B.

Notice for Publication; witnesses for final proof, Patrick H. Downs, and John I. Wells, and Wm. F. Snow, James H. Hamilton.

Plaintiff's Exhibit No. 113C.

Certificate of Register and Receiver, in re postponement of date for making final proof.

Plaintiff's Exhibit No. 113D.

Affidavit of Evelyn O'Farrell, in re postponement of date of making final proof.

Plaintiff's Exhibit No. 113E.

Non-mineral Affidavit.

Plaintiff's Exhibit No. 113G.

Cross-examination of witness, John I. Wells, on final proof.

Plaintiff's Exhibit No. 113H.

Testimony of witness, John I. Wells, on final proof.

Plaintiff's Exhibit No. 113I.

Cross-examination of witness, Patrick H. Downs, on final proof.

Plaintiff's Exhibit No. 113J.

Testimony of Patrick H. Downs, on final proof.

Plaintiff's Exhibit No. 113K.

ANSWERS Given by Evelyn O'Farrell to Questions 16, 17 and 18, on Cross-examination at Final Proof.

Answer to Ques. 16: Yes. Yes.

Answer to Ques. 17: A sale of Boise real estate in Dec., 1901; since that time and longer.

Answer to Ques. 18: Yes. Bank of Commerce.

Plaintiff's Exhibit No. 113L.

Testimony of Evelyn O'Farrell, on final proof, dated February 26, 1902.

Plaintiff's Exhibit No. 113M.

Final Certificate No. 1992, dated Aug. 1st, 1902.

Plaintiff's Exhibit No. 113N.

Receiver's Receipt No. 1992, dated Aug. 1st, 1902.

Plaintiff's Exhibit No. 113O.

Patent dated Feb. 1st, 1904, to Evelyn O'Farrell, for land described in Exhibit 113F.

Plaintiff's Exhibits Nos. 114A to 114N.**Plaintiff's Exhibit No. 114A.**

ELMA E. GARDNER: Residence, Boise, Idaho; Occupation, Dressmaker.

Sworn Statement, No. 640, dated and filed Oct. 1st, 1902, for entry of South One-half of the Southwest Quarter, Northwest Quarter of Southwest Quarter, of Section 12, and Northeast Quarter of the Southeast Quarter of Section 11, Tp. 7 North of Range 7 East, B. M.

Plaintiffs' Exhibit No. 114B.

Notice for Publication: witnesses for final proof, Samuel M. Blandford, Louis M. Pritchard, Patrick H. Downs, Emma L. Blandford.

Plaintiff's Exhibit No. 114C.

Non-mineral Affidavit.

Plaintiff's Exhibit No. 114D.

Testimony of Elma E. Gardner, at final proof, dated March 19, 1903.

Plaintiff's Exhibit No. 114E.

ANSWERS Given by Elma E. Gardner, to Questions 16, 17 and 18, on Cross-examination, at Final Proof.

Answer to Ques. 16: I did, and I do.

Answer to Ques. 17: Earned it, had it for six months.

Answer to Ques. 18: No, kept money at home.

Plaintiff's Exhibit No. 114F.

Testimony of witness, Louis M. Pritchard, on final proof.

Plaintiff's Exhibit No. 114G.

Cross-examination of witness, Louis M. Pritchard, at final proof.

Plaintiff's Exhibit No. 114H.

Testimony of witness, Patrick H. Downs, at final proof.

Plaintiff's Exhibit No. 114I.

Cross-examination of Patrick H. Downs on final proof.

Plaintiff's Exhibit No. 114J.

Receiver's Receipt No. 2349, dated and filed March 19th, 1903.

Plaintiff's Exhibit No. 114K.

Final Certificate No. 2349, dated and filed March 19th, 1903.

Plaintiff's Exhibit No. 114L.

Affidavit of Publication.

Plaintiff's Exhibit No. 114M.

Deed from Elma E. Gardner to Horace S. Rand, dated March 28th, 1903; consideration \$1200; acknowledged before L. M. Pritchard, Notary Public, filed for record at the request of W. E. Borah, July 1st, 1904. Conveys land described in Exhibit No. 114A.

Plaintiff's Exhibit No. 114N.

Patent June 10th, 1904, to Elma E. Gardner, for land described in Exhibit No. 114A.

Plaintiff's Exhibits Nos. 115A to 115O.

Plaintiff's Exhibit No. 115A.

FRANK R. McDONALD: Residence, Boise, Idaho; Occupation, Engineer.

Sworn Statement No. 593, dated and filed Sept. 16th, 1902, for entry of Lots 2 and 3, and the Southwest Quarter of the Northeast Quarter, and Southeast Quarter of the Northwest quarter, Section 6, Tp. 6 North of Range 8 East, Boise Meridian.

Plaintiff's Exhibit No. 115B.

Non-mineral Affidavit.

Plaintiff's Exhibit No. 115C.

Notice for Publication; witnesses for final proof; John W. Rose, Andrew Hanson, Thomas S. Thompson, and Patrick H. Downs.

Plaintiff's Exhibit No. 115D.

Testimony of Frank R. McDonald, on final proof, dated April 28, 1903.

Plaintiff's Exhibit No. 115E.

ANSWERS of Frank R. McDonald, to Questions 16, 17 and 18, on Cross-examination, at Final Proof.

Answer to Ques. 16: I did, and I do.

Answer to Ques. 17: Earned it. Have had it for a week.

Answer to Ques. 18: Yes, Idaho Investment & Savings Bank, Boise, Idaho.

Plaintiff's Exhibit No. 115F.

Testimony of witness, Patrick H. Downs, on final proof.

Plaintiff's Exhibit No. 115G.

Cross-examination of witness, Patrick H. Downs, on final proof.

Plaintiff's Exhibit No. 115H.

Receiver's Receipt No. 2400, dated April 28th, 1903.

Plaintiff's Exhibit No. 115 I.

Final Certificate No. 2400, dated April 28, 1903.

Plaintiff's Exhibit No. 115 J.

Deed from Frank R. McDonald and wife, Ellen E., to Horace S. Rand, dated May 4, 1903; consideration \$800.00; acknowledged before L. M. Pritchard, Notary Public, and filed for record at the request of W. E. Borah, July 1st, 1904. Conveys land described in Exhibit No. 115A.

Plaintiff's Exhibit No. 115K.

Affidavit of Re-publication.

Plaintiff's Exhibit No. 115L.

Notice for re-publication, witnesses for final proof, John W. Rose, Andrew Hanson, Thomas S. Thompson, and Patrick H. Downs.

Plaintiff's Exhibit No. 115M.

Cross-examination of witness, Thomas S. Thompson, on final proof.

Plaintiff's Exhibit No. 115N.

Testimony of witness, Thomas S. Thompson, on final proof.

Plaintiff's Exhibit No. 115O.

Patent dated June 10th, 1904, to Frank R. McDonald, for land described in Exhibit No. 115A.

Plaintiff's Exhibits Nos. 116A to 116N.

Plaintiff's Exhibit No. 116E.

BERT T. PARKER: Residence, Boise, Idaho; occupation, miller.

Sworn Statement No. 548, dated and filed Sept.

4th, 1902, for entry of the North One-half of the Southeast Quarter and South One-half of the Northeast Quarter, Section 9, Tp. 7 North of Range 8 East, Boise Meridian.

Plaintiff's Exhibit No. 116A.

Affidavit of Publication.

Plaintiff's Exhibit No. 116B.

Certified Copy of Application for citizenship of Burt T. Parker.

Plaintiff's Exhibit No. 116C.

Notice for Publication; witness for final proof, Wm. E. Cavanaugh, Thomas F. Kelley, Patrick H. Downs and John I. Wells.

Plaintiff's Exhibit No. 116D.

Non-mineral Affidavit.

Plaintiff's Exhibit No. 116F.

Affidavit of Bert T. Parker in re postponement date of final proof.

Plaintiff's Exhibit No. 116G.

Testimony of witness, Thomas Kelley, on final proof.

Plaintiff's Exhibit No. 116H.

Testimony of witness, Wm. E. Cavanaugh, on final proof.

Plaintiff's Exhibit No. 116 I.

ANSWERS Given by Burt T. Parker, to Questions, 16, 17 and 18, on Cross-examination, at Final Proof.

Answer to Ques. 16: Yes.

Answer to Ques. 17: I have saved the money from

my earnings. Have had it for two or three years.

Answer to Ques. 18: Yes. Boise City Natl. Bank.

Plaintiff's Exhibit No. 116J.

Testimony of Bert T. Parker, on final proof, dated December 17, 1902.

Plaintiff's Exhibit No. 116K.

Receiver's Receipt No. 2216, dated Dec. 17th, 1902.

Plaintiff's Exhibit No. 116L.

Final Certificate No. 2216, dated Dec. 17th, 1902.

Plaintiff's Exhibit No. 116M.

Deed from Burt T. Parker to Horace S. Rand, dated Feb. 11th, 1903, \$950.00; acknowledged before L. M. Pritchard, Notary Public, and filed for record at the request of W. E. Borah, June 23d, 1904, conveys land described in Exhibit No. 116E.

Plaintiff's Exhibit No. 116N.

Patent dated May 13th, 1904, to Burt T. Parker, for land described in Exhibit No. 116E.

Plaintiff's Exhibits Nos. 117A to 117P.

Plaintiff's Exhibit No. 117A.

MERRITT L. TWOGOOD: Residence, Boise, Idaho; occupation, contractor and builder.

Sworn Statement No. 578, dated and filed Sept. 13th, 1902, for entry of Northwest Quarter of Section 13, Tp. 7 North of Range 8 East, Boise Meridian.

Plaintiff's Exhibit No. 117B.

Non-mineral Affidavit.

Plaintiff's Exhibit No. 117C.

Notice for Publication; witnesses for final proof, Henry Bayhouse, Alfred Bayhouse, James F. Belk and George T. Ellis.

Plaintiff's Exhibit No. 117D.

Testimony of Merritt L. Twogood, at final proof, dated January 14, 1903.

Plaintiff's Exhibit No. 117E.

ANSWERS Given by Merritt L. Twogood, at Final Proof, to Questions 16, 17 and 18, on Cross-examination.

Answer to Ques. 16: I did, and I do.

Answer to Ques. 17: Earned it in my business. Have had it for a year. I have had my money in my business—at times it was not available on demand.

Answer to Ques. 18: Yes. Capital State Bank, Boise, Idaho.

Plaintiff's Exhibit No. 117F.

Receiver's Receipt No. 2265, dated Jan. 14, 1903.

Plaintiff's Exhibit No. 117G.

Final Certificate No. 2265, dated Jan. 14, 1903.

Plaintiff's Exhibit No. 117H.

Affidavit of Publication.

Plaintiff's Exhibit No. 117 I.

Affidavit of Publication.

Plaintiff's Exhibit No. 117J.

Cross-examination of witness, Alfred Bayhouse, on final proof,

Plaintiff's Exhibit No. 117K.

Testimony of witness, Alfred Bayhouse, on final proof.

Plaintiff's Exhibit No. 117L.

Cross-examination of witness, Henry Bayhouse on final proof.

Plaintiff's Exhibit No. 117M.

Testimony of witness, Henry Bayhouse, on final proof.

Plaintiff's Exhibit No. 117N.

Affidavit of Merritt L. Twogood, in re postponement of date of making final proof.

“UNITED STATES LAND OFFICE,

Boise, Idaho, January 14, 1903.

Merritt L. Twogood, being first duly sworn, deposes and says:

That he is the identical person who made timber and stone sworn statement #578 for NW. $\frac{1}{4}$ Sec. 13, Tp. 7 N., R 8 E., B. M. at this office on the 13th day of September, 1902, and who advertised to offer proof therefor on the 6th day of January, 1903; that the reason he did not appear on said 6th day of January, or before this date, was that his money was in his business and was not available on the 6th day of January, 1903, or until this date.

MERRITT L. TWOGOOD,

Subscribed and sworn to before me this 14th day of January, 1903.

EDWARD E. GARRETT,
Receiver.”

Plaintiff's Exhibit No. 117O.

Deed of Ida Twogood and Merritt L. Twogood to Horace S. Rand, dated Feb. 12th, 1903, consideration, \$1600.00; acknowledged before L. M. Pritchard, for land described in Exhibits 117A and 119D, and filed for record at the request of W. E. Borah, June 23d, 1904.

Plaintiff's Exhibit No. 117P.

Patent dated May 24th, 1904, to Merritt L. Twogood, for land described in Exhibit No. 117A.

Plaintiff's Exhibits Nos. 118A to 118O.**Plaintiff's Exhibit No. 118A.**

JOHN K. WOODBURN: Residence, Boise, Idaho; occupation, miner and millman.

Sworn Statement No. 1065, dated and filed Sept. 14, 1903, for entry of Southwest Quarter of Section 15, Tp. 6 North of Range 4 East, Boise Meridian.

Plaintiff's Exhibit No. 118B.

Affidavit of Publication.

Plaintiff's Exhibit No. 118C.

Notice for Publication; witnesses for final proof, Harry B. Noble, Lorin T. Kinert, Charles B. Farri-day, R. J. Harbaugh.

Plaintiff's Exhibit No. 118D.

Non-mineral Affidavit.

Plaintiff's Exhibit No. 118E.

Cross-examination of witness, Lorrin T. Kinert, on final proof.

Plaintiff's Exhibit No. 118F.

Testimony of witness, Lorrin T. Kinert, on final proof.

Plaintiff's Exhibit No. 118G.

Cross-examination of witness, Charles B. Farri-day, on final proof.

Plaintiff's Exhibit No. 118H.

Testimony of witness, Charles B. Farriday.

Plaintiff's Exhibit No. 118I.

ANSWERS of John K. Woodburn, to Questions 16, 17 and 18, on Cross-examination at Final Proof.
Answer to Ques. 16: Yes.

Answer to Ques. 17: From the sale of other prop-erty. Sale was completed yesterday, Dec. 1st.

Answer to Ques. 18: No.

Plaintiff's Exhibit No. 118J.

Testimony of John K. Woodburn, at final proof, dated December 2d, 1903.

Plaintiff's Exhibit No. 118K.

Receiver's Receipt No. 2735, dated Dec. 2d, 1903.

Plaintiff's Exhibit No. 118L.

Final Certificate No. 2735, dated Dec. 2, 1903.

Plaintiff's Exhibit No. 118M.

Deed—Correction, from John K. Woodburn, to George S. Long, dated Oct. 24th, 1904; considera-tion \$800.00; acknowledged before L. M. Pritchard, Notary Public, and filed for record Oct. 25th, 1904, at the request of the Barber Lumber Co. Conveys land described in Exhibit No. 118A.

Plaintiff's Exhibit No. 118N.

Deed from John K. Woodburn to George S. Long, dated — *od* —; consideration \$800.00, acknowledged before L. M. Pritchard, Notary Public, and filed for record July 1st, 1904, at the request of W. E. Borah.

Plaintiff's Exhibit No. 118O.

Patent dated Dec. 1st, 1904, to John K. Woodburn, for the land described in Exhibit No. 118A.

Plaintiff's Exhibits Nos. 119A to 119M.**Plaintiff's Exhibit No. 119D.**

IDA TWOGOOD: Residence, Boise Idaho; occupation, housewife.

Sworn Statement No. 580, dated and filed Sept. 15th, 1902, for entry of Southwest Quarter of Southeast Quarter of Section 4, South Half of Southwest Quarter of Section 4, and Northwest Quarter of Northwest Quarter of Section 9, Township 7 North of Range 8 East, Boise Meridian.

Plaintiff's Exhibit No. 119A.

Affidavit of Publication.

Plaintiff's Exhibit No. 119B.

Notice of Publication; witnesses for final proof, Edward E. Butler, Henry Bayhouse, Alfred Bayhouse, and Alice Fordney.

Plaintiff's Exhibit No. 119C.

Non-mineral Affidavit.

Plaintiff's Exhibit No. 119E.

Cross-examination of witness, Henry Bayhouse, on final proof.

Plaintiff's Exhibit No. 119F.

Testimony of witness, Henry Bayhouse, on final proof.

Plaintiff's Exhibit No. 119G.

Cross-examination of witness, Edward E. Butler, on final proof.

Plaintiff's Exhibit No. 119H.

Testimony of witness, Edward E. Butler, on final proof.

Plaintiff's Exhibit No. 119 I.

NON-ALIENATION AFFIDAVIT.

"UNITED STATES LAND OFFICE,

Boise, Idaho, January 16, 1903.

Ida Twogood, being first duly sworn, deposes and says:—

That she is the identical person who made timber and stone sworn statement #580, at this office on September 15, 1902, for the SW. $\frac{1}{4}$ SE. $\frac{1}{4}$ and S. $\frac{1}{2}$ SW. $\frac{1}{4}$, Sec. 4, and NW. $\frac{1}{4}$ NW. $\frac{1}{4}$ Sec. 9, Tp. 7 N., R. 8 E., B. M., and who advertised to offer proof therefor on the 9th day of January, 1903; that the reason she did not offer proof on said 9th day of January, and until this day was because the money was not available; it being invested at that time in her husband's business. That she is a married woman; that she purposes to purchase said land with her separate money, in which her husband has no interest or claim; that said entry is made for her sole and separate use and benefit; that she has made no contract or agreement whereby any interest what-

ever therein will inure to the benefit of her husband or any other person, and that she has never made an entry under said act, or derived or had any interest whatever, directly or indirectly, in or from a former entry made by any person or association of persons.

IDA TWOGOOD.

Subscribed and sworn to before me this 16th day of January, 1903.

EDWARD E. GARRETT,

Receiver."

Plaintiff's Exhibit No. 119J.

ANSWERS from Ida Twogood to Questions 16, 17 and 18, on Cross-examination, at Final Proof.

Answer to Ques. 16: I did, and I do.

Answer to Ques. 17: Money my husband gave me. Have had it a few days.

Answer to Ques. 18: My husband has, at Capital State Bank, Boise, Idaho.

Plaintiff's Exhibit No. 119K.

Testimony of Ida Twogood, on final proof, dated January 16, 1903.

Plaintiff's Exhibit No. 119L.

Receiver's Receipt, 2268, Jan. 16th, 1903.

Plaintiff's Exhibit No. 119M.

Final Certificate No. 2268, dated Jan. 16th, 1903.

Plaintiff's Exhibits Nos. 120A to 120N.

Plaintiff's Exhibit No. 120A.

WM. B. DAVIDSON: Residence, Boise, Idaho; occupation, lawyer.

Sworn Statement No. 1066, dated and filed Sept.

14, 1903, for entry of Northeast Quarter of Section 20, Tp. 6 North of Range 4 East, Boise Meridian.

Plaintiff's Exhibit No. 120B.

Notice for Publication; witnesses for final proof
Willis A. Ross, Josie M. Ross, Margaret Scully, P.
H. Downs.

Plaintiff's Exhibit No. 120C.

Affidavit of Publication.

Plaintiff's Exhibit No. 120D.

Non-mineral Affidavit.

Plaintiff's Exhibit No. 120E.

Cross-examination of witness, Willis A. Ross, on
final proof.

Plaintiff's Exhibit No. 120F.

Testimony of witness, Willis A. Ross, on final
proof.

Plaintiff's Exhibit No. 120G.

Cross-examination of witness, Josie M. Ross, on
final proof.

Plaintiff's Exhibit No. 120H.

Testimony of witness, Josie M. Ross, on final
proof.

Plaintiff's Exhibit No. 120 I.

ANSWERS of Wm. B. Davidson, to Questions 16,
17 and 18, on Cross-examination, at Final Proof.

Answer to Ques. 16: Yes.

Answer to Ques. 17: I borrowed \$300 from J. C.
Russell on my own personal note. Balance of
money is my own.

Answer to Ques. 18: No.

Plaintiff's Exhibit No. 120J.

Testimony of Wm. B. Davidson, on final proof, dated December 3d, 1903.

Plaintiff's Exhibit No. 120K.

Receiver's Receipt No. 2745, dated Dec. 3, 1903.

Plaintiff's Exhibit No. 120L.

Final Certificate No. 2745, dated Dec. 3, 1903.

Plaintiff's Exhibit No. 120M.

Deed from Wm. B. Davidson and wife, Hattie B., to George S. Long, dated Dec. 30th, 1903, consideration \$800.00; acknowledged before Lee Hutchison, Notary Public, and filed for record, July 1st, 1904, at the request of W. E. Borah. Conveys land described in Exhibit No. 120A.

Plaintiff's Exhibit No. 120N.

Patent, dated Dec. 1st, 1904, to Wm. B. Davidson, for land described in Exhibit No. 120A.

Plaintiff's Exhibits Nos. 121A to 121N.**Plaintiff's Exhibit No. 121A.**

LORIN T. KINERT: Residence, Boise, Idaho; occupation, clerk.

Sworn statement No. 1046, dated and filed Sept. 14th, 1903, for entry of southwest quarter of section 21, Tp. 6 North of Range 4 East, Boise Meridian.

Plaintiff's Exhibit No. 121B.

Notice for publication: witnesses for final proof, John K. Woodburn, Harry B. Noble, Charles B. Farriday, and William R. Coleman.

Plaintiff's Exhibit No. 121C.

Affidavit of publication.

Plaintiff's Exhibit No. 121D.

Non-mineral Affidavit.

Plaintiff's Exhibit No. 121E.

Testimony of Lorin T. Kinert at final proof, dated December 23d, 1903.

Plaintiff's Exhibit No. 121F.

ANSWERS Given by Lorin T. Kinert at Final Proof, on Cross-examination, to Questions 16, 17 and 18.

Answer to Ques. 16: Yes.

Answer to Ques. 17: I borrowed the money from L. L. Townsend, but did not give a note. Have had money since yesterday.

Answer to Ques. 18: No.

Plaintiff's Exhibit No. 121G.

Cross-examination of witness, Harry B. Noble, on final proof.

Plaintiff's Exhibit No. 121H.

Testimony of witness, Harry B. Noble, on final proof.

Plaintiff's Exhibit No. 121I.

Cross-examination of witness, John K. Woodburn, on final proof.

Plaintiff's Exhibit No. 121J.

Testimony of witness, John K. Woodburn, on final proof.

Plaintiff's Exhibit No. 121K.

Receiver's Receipt, 2799, Dec. 23, 1903.

Plaintiff's Exhibit No. 121L.

Final Certificate No. 2799, dated Dec. 23, 1903.

Plaintiff's Exhibit No. 121M.

Deed from Lorin T. Kinert to George S. Long, dated March 3rd, 1904; consideration, \$800.00; acknowledged before John M. Haines, Notary Public, and filed for record July 1st, 1904, at the request of W. E. Borah Conveys land described in Exhibit No. 121A.

Plaintiff's Exhibit No. 121N.

Patent dated Dec. 1st, 1904, to Lorin T. Kinert, for the land described in Exhibit No. 121A.

Plaintiff's Exhibits Nos. 122A to 122O.**Plaintiff's Exhibit No. 122A.**

RICE J. HARBAUGH: Residence, Boise, Idaho; occupation, farmer.

Sworn statement No. 1062, dated and filed Sept. 14th, 1903, for entry of South One-half of the Southwest Quarter, Northwest Quarter of the Southwest Quarter, and Southwest Quarter of Northwest Quarter, Section 22, Tp. 6 North of Range 4 East, Boise Meridian.

Plaintiff's Exhibit No. 122B.

Notice for Publication: witness for final proof, Wm. B. Coleman, Charles B. Farraday, Alexander T. Ellis and Joseph Ehrmanntraut, Jr.

Plaintiff's Exhibit No. 122C.

Non-mineral Affidavit.

Plaintiff's Exhibit No. 122D.

ANSWERS given by R. J. Harbaugh, to Questions 16, 17 and 18, on Cross-examination, at Final Proof.

Answer to Ques. 16: Yes.

Answer to Ques. 17: From rent of my farm in Michigan, just received money to-day.

A. Answer to Ques. 18: No.

Plaintiff's Exhibit No. 122E.

Testimony of R. J. Harbaugh, at final proof, dated December 7, 1903.

Plaintiff's Exhibit No. 122F.

Cross-examination of witness, Charles B. Faraday, on final proof.

Plaintiff's Exhibit No. 122G.

Testimony of witness, Charles B. Faraday, on final proof.

Plaintiff's Exhibit No. 122H.

Cross-examination Wm. R. Coleman, witness, on final proof.

Plaintiff's Exhibit No. 122 I.

Testimony of witness, W. R. Coleman, on final proof.

Plaintiff's Exhibit No. 122J.

Affidavit of R. J. Harbaugh, in re Postponement date of making final proof.

“UNITED STATES LAND OFFICE,

Boise, Idaho, Dec. 7, 1903.

Rice J. Harbaugh, being first duly sworn, deposes and says that he is the identical person who made

timber and stone sworn statement No. 1062 at the Boise Land Office, Sept. 14, 1903, for the purchase of the S. $\frac{1}{2}$ SW. $\frac{1}{4}$, NW. $\frac{1}{4}$ SW. $\frac{1}{4}$, SW. $\frac{1}{4}$ NW. $\frac{1}{4}$, Sec. 22, T. 6 N., R. 4 E., and on which he advertised to offer proof on the 27th day of Nov. 1903, that he failed to offer proof on the date advertised or at an earlier date than to-day for the reason that he was mistaken as to the date and that he had to wait until he could receive the money due him as rent for a farm he owns and leases in the State of Michigan.

RICE J. HARBAUGH.

Subscribed and sworn to before me this 7th day of Dec., 1903.

HARRY J. SYMS.

Register.

We certify that due notice of the continuance was posted each day and that no protests against said entry have been filed.

HARRY J. SYMS.

Register.

EDWARD E. GARRETT.

Receiver."

Plaintiff's Exhibit No. 122K.

Final Certificate No. 2754, dated Dec. 7, 1903.

Plaintiff's Exhibit No. 122L.

Receiver's Receipt No. 2754, dated Dec. 7, 1903.

Plaintiff's Exhibit No. 122M.

Affidavit of Publication.

Plaintiff's Exhibit No. 122N.

Deed from R. J. Harbaugh and wife, to George S. Long, dated Jan. 6th, 1904; consideration \$800.00;

acknowledged before Wm. R. Prinn, Notary Public, and filed for record July 1st, 1904, at the request of W. E. Borah. Conveys land described in Exhibit No. 122A.

Plaintiff's Exhibit No. 122O.

Patent dated Dec 29th, 1904, to R. J. Harbaugh, for land described in Exhibit No. 122A.

Plaintiff's Exhibits Nos. 123A to 123N.

Plaintiff's Exhibit No. 123A.

CHARLES B. FARADAY: Residence, Boise, Idaho; occupation, merchant.

Sworn Statement, No. 1061, dated and filed Sept. 14th, 1903, for entry of Northwest Quarter of Section 28, Tp. 6 North of Range 4 East, B. M.

Plaintiff's Exhibit No. 123B.

Notice for Publication; witnesses for final proof, Alexander T. Ellis, Rice J. Harbaugh, Wm. R. Coleman, and Frank R. Martin.

Plaintiff's Exhibit No. 123C.

Affidavit of Publication.

Plaintiff's Exhibit No. 123D.

Non-mineral Affidavit.

Plaintiff's Exhibit No. 123E.

Cross-examination of witness, R. J. Harbaugh, on final proof.

Plaintiff's Exhibit No. 123F.

Testimony of witness, R. J. Harbaugh, on final proof.

Plaintiff's Exhibit No. 123G.

Cross-examination of witness, Wm. R. Coleman on final proof.

Plaintiff's Exhibit No. 123H.

Testimony of witness, Wm. R. Coleman, on final proof.

Plaintiff's Exhibit No. 123J.

ANSWERS Given by Charles B. Faraday on Cross-examination at Final Proof, to Questions 16, 17 and 18.

Answer to Ques. 16: Yes.

Answer to Ques. 17: From my business, at Three Creek. Have had money for ten years.

Answer to Ques. 18: First National Bank, Caldwell, Idaho, and Bank of Commerce, Boise, Idaho.

Plaintiff's Exhibit No. 123 I.

Testimony of Charles B. Faraday, on final proof, dated December 17, 1903.

Plaintiff's Exhibit No. 123K.

Receiver's Receipt No. 2787, dated Dec. 17th, 1903.

Plaintiff's Exhibit No. 123L.

Final Receipt No. 2787, dated Dec. 17th, 1903.

Plaintiff's Exhibit No. 123M.

Deed of Charles B. Faraday and wife, to George S. Long, dated Feb. 13th, 1904; consideration \$800.00; acknowledged before John M. Haines, filed for record July 1st, 1904, at the request of W. E. Borah. Conveys land described in Exhibit No. 123A.

Plaintiff's Exhibit No. 123N.

Patent dated Dec. 1st, 1904, to Charles B. Faraday, for land described in Exhibit No. 123A.

Plaintiff's Exhibits Nos. 124A to 124P.

Plaintiff's Exhibit No. 124A.

WHEELER H. MARTIN: Residence, Boise, Idaho; occupation, miner.

Sworn Statement No. 1038, Sept. 14th, 1903, Southeast Quarter of Section 21, Tp. 6 North of Range 4 East, Boise M.

Plaintiff's Exhibit No. 124B.

Affidavit of Publication.

Plaintiff's Exhibit No. 124C.

Non-mineral Affidavit.

Plaintiff's Exhibit No. 124D.

Notice for Publication; witnesses for final proof, Charles B. Faraday, Wm. R. Coleman, Joseph Ehrmanntraut, Jr., Alexander T. Ellis.

Plaintiff's Exhibit No. 124E.

Testimony Wheeler H. Martin, at final proof, dated December 11, 1903.

Plaintiff's Exhibit No. 124F.

ANSWERS Given by Wheeler H. Martin, at Final Proof, to Questions 16, 17 and 18, on Cross-examination.

Answer to Ques. 16: Yes.

Answer to Ques. 17: From my earnings, and have had money about 2 years.

Answer to Ques. 18: No.

Plaintiff's Exhibit No. 124G.

Testimony of witness, Charles B. Faraday, on final proof.

Plaintiff's Exhibit No. 124H.

Cross-examination of witness, Charles B. Faraday, on final proof.

Plaintiff's Exhibit No. 124I.

Testimony of witness, Alexander T. Ellis, at final proof.

Plaintiff's Exhibit No. 124J.

Cross-examination of witness, Alexander T. Ellis, at final proof.

Plaintiff's Exhibit No. 124K.

Final Certificate No. 2930, dated March 9, 1904.

Plaintiff's Exhibit No. 124L.

Receiver's Receipt No. 2930, dated March 9th, 1904.

Plaintiff's Exhibit No. 124M.

Deed from Wheeler H. Martin and wife, to George S. Long, dated Aug. 19th, 1904; consideration, \$800.00; acknowledged before Fred G. Mock, Notary Public, and filed for record Sept. 1st, 1904, at the request of W. E. Borah. Conveys land described in Exhibit 124A.

Plaintiff's Exhibit No. 124N.

Affidavit and supplemental showing in the matter of final proof.

“IN THE UNITED STATES LAND OFFICE,

Boise, Idaho, December 19, 1903.

In the Matter of the Final Proof of Wheeler H. Martin Upon Timber and Stone Filing No. ———
for the Sec. Tp. R. B. M. Idaho.

State of Idaho,
County of Ada,—ss.

AFFIDAVIT AND SUPPLEMENTAL SHOW-
ING.

Wheeler H. Martin being first duly sworn deposes and says:

That he is the claimant under Timber and Stone Filing No. 1038 for the SE $\frac{1}{4}$ Sec. 21, Tp. 6 N., R. 4 E., subject to sale at the United States Land Office at Boise, Idaho, and upon which he offered proof of the character of said land and the qualification of himself to purchase the same, before the said land office on December 11, 1903.

That by reason of his inexperience in such matters, his lack of knowledge of the technical use and signification of terms, and the misconstruction of the purport of questions asked in the matter of said proof, the testimony of affiant as claimant aforesaid, both upon direct, cross and special cross-examination, is vague, uncertain and indefinite in several particulars; and for said reason affiant makes and files this affidavit as supplemental testimony in the matter of said proof, for the purpose of making plain the statements and testimony heretofore offered therein, and to show the facts and circumstances upon which such testimony was based.

That question No. 17 of said cross-examination of claimant was not understood to refer to the identical money mentioned nor to the physical possession of the same, as was shown by the statement of affiant to the Honorable Register on the day prior to the date

of said proof, that he (affiant) would have to go to the bank for the money; coupled with the fact that he stated in his direct testimony in said proof that he had kept no bank account.

That said question was construed by affiant and understood to relate to the manner of acquiring the amount of money he would require in the purchase of the land; and the length of time he had actually had the same in his possession was misunderstood and construed and understood to relate to the time during which he had had the financial ability to control that amount of means, and that his answer to said question was given with that understanding of the same. That as to \$175 of said amount, it was literally true that while in the possession of another that for the said period of two years he had had the same subject to demand and to that extent in his actual possession, and as hereinafter set out; that as to the remaining amount he had been in such employment and in the possession of such an amount of his savings from time to time, and in such relations as would have enabled him to command said amount during said time on his personal credit if not at all times in his possession. And which understanding and construction of said question further appears by the fact that upon further cross-examination as to said matter, when it appeared that the said question related to the full amount of money actually saved up, and available to be used for the purpose of the purchase of said land, affiant answered "I guess I have had it since the first of July," the uncertainty of which said answer, as to the amount, will

be fully understood from the facts hereinafter stated as to the time, and manner of earning and disposition of the funds realized by this affiant from his earnings; together with the fact that at the time said testimony was given no settlement as hereinafter shown had been made enabling affiant to testify exactly as to the amount which he so had earned, saved, and had at disposal on said July first.

That the facts as to the earning and saving of the said amount of money and the time during which the same was possessed and the manner of such possession, are as follows, to wit:—That during three months of 1899, and during the greater part of 1900, and 1901, the affiant was employed in Owyhee County, Idaho, by the Trade Dollar, Cumberland and other mining companies in running hoisting machinery and otherwise at compensation of from \$3.50 to \$4.00 per day; that during said time he sent at one time in the spring of 1901, to his father William H. Martin, who lived on a farm near Meridian, Idaho, by the hands of affiant's brother, the sum of \$175 of his earnings to be kept for him, affiant, and to be used by his said father until wanted by him; that upon his return from Owyhee County, at the end of 1901, affiant was employed by his said father in caring for live stock, a portion of an estate of which his father was administrator, and thereby saved earnings amounting to \$80.00 which he allowed to remain with the money theretofore in the hands of his father. That his said father having meantime sold the farm near Meridian, Idaho, and purchased property in Boise, Idaho, was engaged in the im-

provement thereof by building and in the spring of 1903, affiant laboring thereon and thereby saved earnings amounting to \$100, which were also left with his said father as the said other sums had been, to be returned upon request to affiant; that in addition to said \$355, so in the hands of his father, affiant had earned means in the employ of others and was in July 1903, in the possession of means sufficient therewith to aggregate the sum used in the purchase of said land, and thereafter until the time of making proof. That after said first of July affiant sent to his said father other sums of his earning, to wit: \$37.50 and \$50.00 to be used by his said father and kept with the other sums hereinbefore named and to be returned in like manner.

That these several sums were used by his father in improving various pieces of property and were in such manner by this affiant "put into a place at different times" as testified to by him, both for the convenience of his father and for safe keeping of said funds for this affiant, and while in the actual possession of his said father, were so in the possession of his father as the depository of this affiant and subject to be returned upon request therefor, and to such extent his saved earnings and in his possession.

That when affiant's father was informed that affiant would need and require his said means and earnings so in the hands of his father as aforesaid, for the purchase of the land upon which proof was offered, there was then in his hands, of the moneys of affiant, the sum of \$442.50, but which sum had not at that date, nor upon the date of said proof, been

exactly determined by an accounting and settlement, but has since been so determined by such means; and that \$355 dollars of the same was so in his hands on July 1st, and the remaining amount of \$87.50 thereof being so in his hands subsequent thereto and prior to the date of said proof.

That his said father when so informed of affiant's requirement for said moneys said he would get the money for affiant and did so get the same for him from the Bank of Commerce.

That by reason of the fact that said amount was due from his said father to affiant, his said father gave said money to affiant. That for the reason that no settlement and accounting had been had between the said affiant and his said father at the date of the final proof aforesaid, affiant testified relative to the getting of said money by his father, that it was his father's "he loaned it to me" *because he reason* that until a final settlement between himself and his father it was rather a loan than a payment, but a loan, as was understood between them, with an offset by reason of the amount due from his said father to affiant. That the nature of said transaction was in fact an advancement by reason of the necessity of affiant therefor, of money in the hands of his father belonging to affiant and not strictly speaking, a loan.

That there was no understanding or agreement of any kind or nature that said sum given by his said father to affiant, or any part thereof should be repaid, or returned, or considered as a loan to be returned and repaid; and that affiant is under no legal

or moral obligation so to return or repay the same or any part thereof, the said sum having been given to him by his said father as a return of moneys earned by affiant and placed with his said father for safe keeping; and that at the date hereof, there remains due from his said father to him, a balance on account of moneys heretofore, as above shown, deposited with his father for safe keeping and to be returned to affiant upon request.

WHEELER H. MARTIN.

Subscribed and sworn to before me this 18th day of December, A. D. 1903.

EDWARD E. GARRETT,

Receiver."

Also appeared at the same time and place, William H. Martin, who being duly sworn, deposes and says: That he is the William H. Martin named in the foregoing affidavit, that he has heard the same read and knows the contents thereof, and that the statements therein made as to the several amounts left with him by the said Wheeler H. Martin, and the time of the leaving of the same, and the purpose of such leaving are true and correct; and that the statement of the transaction whereby he gave to said Wheeler H. Martin the amount stated in said affidavit for the purchase of said timber and stone entry is true and correct; and that the same was a return of moneys due to said Wheeler H. Martin, as stated in said affidavit foregoing, and was not a loan of the same, and that he makes no claim for the return or payment of the same, but that said sum, and more, was the earnings of said Wheeler H. Martin

so in his hands as stated in his said foregoing affidavit.

W. H. MARTIN.

Subscribed and sworn to before me this 19th day of December, 1903.

EDWARD E. GARRETT,
Receiver."

Plaintiff's Exhibit No. 124 O.

Examination of Wheeler H. Martin in reference to his entry before the Land Office, Boise, Ida., Dec. 11, 1903.

"UNITED STATES LAND OFFICE.

Boise, Idaho, Dec. 11, 1903.

**EXAMINATION OF WHEELER H. MARTIN,
T. & S., No. 1038.**

Q. State who it was that made out your papers when you made this timber and stone filing in this office. A. Mr. Kinkaid.

Q. How much did you pay him for making out these papers? A. Nothing that I know of.

Q. Did anybody else pay him for making out these papers?

A. I don't know whether Mr. Downs did or not.

Q. What business does Mr. Kinkaid follow?

A. Law, I believe.

Q. Is Mr. Kinkaid a personal friend of yours?

A. I have known him for some time, I might say he is a friend.

Q. Was anybody else in Mr. Kinkaid's office at the time you had him make out these papers?

A. I don't know, I had him make them out and he

told me when they were ready. He made them out for nothing.

Q. You gave him the blanks and he made them out for you? A. Yes, sir.

Q. He told you what land it was that he wanted you to file on? A. No, sir.

Q. Where did you get a description of this land?

A. From Mr. Downs.

Q. When you gave Mr. Kinkaid the papers to fill out, did you give him a description of the land you wished to file on, or did Mr. Downs give it to him?

A. I told him what I wanted, but I don't know whether Mr. Downs said anything about it or not. He might have, though.

Q. You state, Mr. Martin, that you have had this money two years?

A. I guess I have had it since the first of July.

Q. Since the first of this last July?

A. Yes.

Q. Why did you make the statement in your examination that you had had it for about two years?

A. Well, I stated that I could dig that much up.

Q. And you have never kept a bank account?

A. No, sir.

Q. Where did you get this money this morning with which you expect to pay for this land?

A. From my father.

Q. Does your father keep a bank account?

A. He has in the past.

Q. Does he keep a bank account at the present time? A. Not that I know of.

Q. Did you not state to me yesterday afternoon

that you could not make proof here to-day before ten o'clock because you had to go to the bank for the money? A. Yes.

Q. What bank did you go to for this money?

A. The Bank of Commerce.

Q. Who let you have this money from the Bank of Commerce?

A. Nobody has let me have it yet.

Q. Then you are not prepared to make this proof? A. Yes, sir.

Q. Does your father keep a bank account at the Bank of Commerce?

A. He used to, I don't know whether he does or not.

Q. How is it that you are getting this money from your father?

A. It is money that is coming to me.

Q. How do you have this money coming to you from your father?

A. It is money I have put into a place at different times.

Q. Will you swear that your father has a bank account at the Bank of Commerce? A. No.

Q. You are not sure, then that you can get the money from the Bank of Commerce?

A. Yes, he can get it, certainly.

(Witness goes out and returns with money. Examination resumed.)

Q. Mr. Martin, where did you get this money?

A. From my father.

Q. At the Bank of Commerce?

A. Yes, sir.

Q. Is this your father's money or your own money?

A. My father's, he loaned it to me.

Q. Then this money was gotten out of the Bank of Commerce and drawn from his individual account?

A. I suppose so.

Q. You suppose so? Now, I want a straight answer, Mr. Martin, in connection with this money; I want to know if this money was drawn by the presentation of a check at the Bank of Commerce, signed by your father?

A. Yes.

Q. Then your father is interested in this land you are filing on by reason of his having given you the money for the payment of the same?

A. No, sir.

Q. Where have you kept your money since July last?

A. I kept some of it with me, and I sent some down home.

Q. As a matter of fact, is not Mr. Kinkaid interested in this proof?

A. No, sir.

Q. And is no other person interested?

A. No, sir.

Q. Did you have an understanding with your father that he was to be at the Bank of Commerce or around here at a certain hour to-day?

A. Yes.

Q. What was the agreement between you and him?

A. He said he would get the money for me.

Q. Was he to meet you at a certain place?

A. Yes, he said he would be around here when

we got it closed up and would get the money for me.

WHEELER H. MARTIN.

Subscribed and sworn to before me this 11th day
of December, 1903.

HARRY J. SYMS,
Register."

Plaintiff's Exhibit No. 124P.

Patent dated Dec. 29th, 1904, to Wheeler H. Martin, for land described in Exhibit 124A.

Plaintiff's Exhibits Nos. 125A to 125M.

Plaintiff's Exhibit No. 125A.

WILLIS A. ROSS: Residence, Boise, Idaho; occupation, canal tender.

Sworn Statement No. 1055, dated and filed Sept. 14th, 1903, for entry of the Southeast Quarter of Section 20, Tp. 6 North of Range 4 East, Boise M.

Plaintiff's Exhibit No. 125B.

Notice for Publication; witnesses for final proof, W. B. Davidson, Josie M. Ross, Margaret Scully and Patrick H. Downs.

Plaintiff's Exhibit No. 125C.

Testimony of Willis A. Ross, on final proof, dated December 23d, 1903.

Plaintiff's Exhibit No. 125D.

ANSWERS Given by Willis A. Ross, on Final Proof, to Questions 16, 17 and 18, on Cross-examination.

Answer to Ques. 16: Yes.

Answer to Ques. 17: I worked for it. I have had \$200 four or five days. The balance I am to get from

Mr. W. H. Gibberd of the Settlers Canal Co.

Answer to Ques. 18: No.

Plaintiff's Exhibit No. 125E.

Testimony of witness, Patrick H. Downs, on final proof.

Plaintiff's Exhibit No. 125F.

Cross-examination of witness, Patrick H. Downs, on final proof.

Plaintiff's Exhibit No. 125G.

Testimony of witness, Margaret Scully, on final proof.

Plaintiff's Exhibit No. 125H.

Cross-examination of witness, Margaret Scully, on final proof.

Plaintiff's Exhibit No. 125 I.

Receiver's receipt No. 2797, dated Dec. 23d, 1903.

Plaintiff's Exhibit No. 125J.

Final certificate No. 2797, dated Dec. 23, 1903.

Plaintiff's Exhibit No. 125K.

Non-mineral Affidavit.

Plaintiff's Exhibit No. 125L.

Deed from Willis A. Ross and Josie M. Ross, to George S. Long, dated Dec. 28th, 1903; consideration, \$1600.00, acknowledged before Walter S. Walker Notary Public, and filed for record July 1st, 1904, at the request of W. E. Borah. Conveying land described in Exhibits Nos. 125A and 126A.

Plaintiff's Exhibit No. 125M.

Patent dated Dec. 1st, 1904, to Willis A. Ross, for land described in Exhibit No. 125A.

Plaintiff's Exhibits Nos. 126A to 126L.

Plaintiff's Exhibit No. 126A.

JOSIE M. ROSS: Residence, Boise, Ida.; occupation, housekeeper.

Sworn Statement 1056, dated and filed Sept. 14th, 1903, for entry of Southwest Quarter of Section 20, Tp. 6 N., of Range 4 East, B. M.

Plaintiff's Exhibit No. 126B.

Non-mineral Affidavit.

Plaintiff's Exhibit No. 126C.

Notice for Publication; witnesses, Final Proof, Margaret Scully, W. B. Davidson, Willis A. Ross, and P. H. Downs.

Plaintiff's Exhibit No. 126D.

Testimony of Josie M. Ross, at Final Proof, dated December 23d, 1903.

Plaintiff's Exhibit No. 126E.

Cross-examination of witness, P. H. Downs.

Plaintiff's Exhibit No. 126F.

ANSWERS of Josie M. Ross to Questions 16, 17 and 18, on Cross-examination at Final Proof.

Answer to Ques. 16: Yes.

Answer to Ques. 17: I earned it cooking for a ditching camp on the Settlers' Canal. Have had money almost four years.

Answer to Ques. 18: At Capital State Bank, Boise, Idaho.

Plaintiff's Exhibit No. 126G.

Testimony of witness Margaret Scully at final proof.

Plaintiff's Exhibit No. 126H.

Cross-examination of witness, Margaret Scully, at final proof.

Plaintiff's Exhibit No. 126I.

Testimony of witness, P. H. Downs.

Plaintiff's Exhibit No. 126J.

Receiver's Receipt No. 2798, dated Dec. 23d, 1903.

Plaintiff's Exhibit No. 126K.

Final Certificate No. 2798, dated Dec. 23d, 1903.

Plaintiff's Exhibit No. 126L.

Patent dated Dec. 1st, 1904, to Josie M. Ross, for land described in Exhibit No. 126A.

Plaintiff's Exhibits Nos. 127A to 127O.**Plaintiff's Exhibit No. 127A.**

GEORGE G. EAGLESON: Residence, Jefferson, Iowa; occupation, liveryman.

Sworn Statement, No. 1036, dated and filed Sept. 14th, 1903, for entry of East One-half of the North-east Quarter, and East One-half of the Southeast Quarter of Section 27 Tp. 6 North of Range 4 East, Boise Meridian.

Plaintiff's Exhibit No. 127B.

Notice for Publication; witnesses for final proof, Thomas L. Martin, Anna Fisher, W. B. Davidson, Joseph Penrod.

Plaintiff's Exhibit No. 127C.

Non-Mineral Affidavit.

Plaintiff's Exhibit No. 127D.

Affidavit of George G. Eagleson, in re postponement date of final proof.

Plaintiff's Exhibit No. 127E.

Testimony of George G. Eagleson, at final proof, dated December 11, 1903.

Plaintiff's Exhibit No. 127F.

ANSWERS of George G. Eagleson, to Questions 16, 17 and 18, on Cross-examination, at Final Proof.

Answer to Ques. 16: Yes.

Answer to Ques. 17: From the sale of hay here in Idaho. Brought part with me from Iowa. Have had money two months.

Answer to Ques. 18: City Bank, Jefferson, Iowa, and Capital State Bank, Boise, Idaho.

Plaintiff's Exhibit No. 127G.

Testimony of witness, Anna Fisher, at final proof.

Plaintiff's Exhibit No. 127H.

Cross-examination of witness, Anna Fisher, at final proof.

Plaintiff's Exhibit No. 127I.

Testimony of witness Thomas L. Martin, on final proof.

Plaintiff's Exhibit No. 127J.

Receiver's receipt, No. 2765, dated Dec. 11, 1903.

Plaintiff's Exhibit No. 127K.

Final Certificate No. 2765, dated Dec. 11, 1903.

Plaintiff's Exhibit No. 127L.

Affidavit of Publication.

Plaintiff's Exhibit No. 127M.

Cross-examination of witness, Thomas L. Martin, at final proof.

Plaintiff's Exhibit No. 127N.

Deed from George G. Eagleson, and Mary J. Eagleson, to George S. Long, dated Dec. 16, 1903, consideration \$1600.00; acknowledged before John M. Haines, Notary Public, embracing land described in Exhibits Nos. 127A and 128A. Filed for record July 1st, 1904, at the request of W. E. Borah.

Plaintiff's Exhibit No. 127O.

Patent dated Dec. 1st, 1904, to George G. Eagleson, for land described in Exhibit No. 127A.

Plaintiff's Exhibits Nos. 128A to 128N.**Plaintiff's Exhibit No. 128A.**

MARY J. EAGLESON: Residence, Jefferson, Iowa; occupation, home maker.

Sworn Statement No. 1037, dated and filed Sept. 14, 1903, for entry of Lots 2, Southwest Quarter of the Northeast Quarter, and the West One-half of the Southeast Quarter of Section 1 Tp. 6 North of Range 4 East, B. M.

Plaintiff's Exhibit No. 128B.

Notice for Publication; witnesses for final proof, Thomas L. Martin, Anna Fisher, W. B. Davidson, and Joseph Penrod.

Plaintiff's Exhibit No. 128C.

Non-Mineral Affidavit.

Plaintiff's Exhibit No. 128D.

Affidavit of Mary J. Eagleson, in re postponement of date for making final proof.

Plaintiff's Exhibit No. 128E.

Testimony of Mary J. Eagleson, at final proof, dated December 11, 1903.

Plaintiff's Exhibit No. 128F.

ANSWERS Given by Mary J. Eagleson, to Questions 16, 17 and 18, on Cross-examination, at Final Proof.

Answer to Ques. 16: Yes.

Answer to Ques. 17: I received \$2,000 at time of my mother's death about 14 years ago. My husband has had charge of this money, and has kept same invested.

Answer to Ques. 18: I have not, but my husband has.

Plaintiff's Exhibit No. 128G.

Testimony of witness, Thomas L. Martin, on final proof.

Plaintiff's Exhibit No. 128H.

Cross-examination of witness, Thomas L. Martin, on final proof.

Plaintiff's Exhibit No. 128I.

Testimony of witness, Anna Fisher, on final proof.

Plaintiff's Exhibit No. 128J.

Cross-examination of witness, Anna Fisher, on final proof.

Plaintiff's Exhibit No. 128K.

Affidavit of Publication.

Plaintiff's Exhibit No. 128L.

Receiver's receipt No. 2766, dated Dec. 11th, 1903.

Plaintiff's Exhibit No. 128M.

Final Certificate No. 2766, dated Dec. 11th, 1903.

Plaintiff's Exhibit No. 128N.

Patent dated Dec. 1st, 1904, to Mary J. Eagleson, for the land described in Exhibit No. 128A.

Plaintiff's Exhibits Nos. 129A to 129M.**Plaintiff's Exhibit No. 129A.**

WILLIAM R. COLEMAN: Residence Boise, Idaho; occupation, blacksmith.

Statement, sworn, No. 1061, dated and filed Sept. 14th, 1903, for entry of West One-half of the Northeast Quarter and West Half of the Southeast Quarter of Section 28, Tp. 6 North of Range 4 East, B. M.

Plaintiff's Exhibit No. 129B.

Notice for Publication; witnesses for final proof, Charles B. Faraday, Rice J. Harbaugh, Alexander T. Ellis, and Wheeler H. Martin.

Plaintiff's Exhibit No. 129C.

Non-Mineral Affidavit.

Plaintiff's Exhibit No. 129D.

ANSWERS on Cross-examination, given by Wm. R. Coleman, to Questions 16, 17 and 18, on Final Proof.

Answer to Ques. 16: Yes.

Answer to Ques. 17: From my earnings. Have had money about 3 months.

Answer to Ques. 18: No, I have kept money at home.

Plaintiff's Exhibit No. 129E.

Testimony of Wm. R. Coleman, at final proof, dated December 17th, 1903.

Plaintiff's Exhibit No. 129F.

Testimony of witness, Rice J. Harbaugh, on final proof.

Plaintiff's Exhibit No. 129G.

Cross-examination of witness Rice J. Harbaugh, on final proof.

Plaintiff's Exhibit No. 129H.

Testimony of witness, Alexander T. Ellis, on final proof.

Plaintiff's Exhibit No. 129I.

Cross-examination of witness, Alexander T. Ellis, on final proof.

Plaintiff's Exhibit No. 129J.

Receiver's Receipt, No. 2788, Dec. 17th, 1903.

Plaintiff's Exhibit No. 129K.

Final Certificate No. 2788, Dec. 17th, 1903.

Plaintiff's Exhibit No. 129L.

Deed.—Wm. R. Coleman and wife to George S. Long, dated Dec. 29th, 1903; consideration \$800.00; acknowledged before John M. Haines, Notary Public, and filed for record at the request of W. E. Borah, July 1st, 1902. Conveys land described in Exhibit No. 129A.

Plaintiff's Exhibit No. 129M.

Patent dated Dec. 1st, 1904, to Wm. R. Coleman, for land described in Exhibit No. 129A.

Plaintiff's Exhibits Nos. 130A to 130N.**Plaintiff's Exhibit No. 130A.**

ALEXANDER T. ELLIS: Residence, Boise, Idaho; occupation, blacksmith.

Sworn Statement No. 1048, dated Sept. 14th, 1903. North One-half of the Northwest Quarter, and West Half of the Northeast Quarter, Section 22 Tp. 6 North, Range 4 East, B. M.

Plaintiff's Exhibit No. 130B.

Notice for Publication; witnesses for final proof, Rice J. Harbaugh, William R. Coleman, Charles B. Faraday, and John K. Woodburn.

Plaintiff's Exhibit No. 130C.

Non-mineral Affidavit.

Plaintiff's Exhibit No. 130D.

Testimony of Alexander T. Ellis, on final proof, dated December 11, 1903.

Plaintiff's Exhibit No. 130E.

ANSWERS Given by Alexander T. Ellis to Questions 16, 17 and 18 on Cross-examination, at Final Proof.

Answer to Ques. 16: I did; Yes, sir.

Answer to Ques. 17: Made it in my business. One month.

Answer to Ques. 18: I have; Capital State Bank.

Plaintiff's Exhibit No. 130F.

Testimony of witness, William R. Coleman, on final proof.

Plaintiff's Exhibit No. 130H.

Testimony of witness, Charles B. Faraday, on final proof.

Plaintiff's Exhibit No. 130G.

Cross-examination of witness, William R. Coleman, on final proof.

Plaintiff's Exhibit No. 130I.

Cross-examination of witness, Charles B. Faraday, on final proof.

Plaintiff's Exhibit No. 130J.

Receiver's Receipt No. 2770, dated Dec. 11th, 1903.

Plaintiff's Exhibit No. 130K.

Final Certificate No. 2770, dated Dec. 11th, 1903.

Plaintiff's Exhibit No. 130L.

Deed from Alexander T. Ellis and Josephine Ellis to George S. Long; dated January 4th, 1904; consideration, \$800.00; acknowledged before John M. Haines, Notary Public, filed for record at the request of W. E. Borah. Conveys land described in Exhibit No. 130A.

Plaintiff's Exhibit No. 130M.

Certified Record Copy of Patent, dated Dec. 1st, 1904, to Alexander T. Ellis, for land described in Exhibit No. 130A.

Plaintiff's Exhibit No. 130N.

Patent dated Dec. 1st, 1904, to Alexander T. Ellis, for land described in Exhibit No. 130A.

Plaintiff's Exhibits Nos. 131A to 131N.**Plaintiff's Exhibit No. 131A..**

JOSEPH PENROD: Residence, Idaho City, Idaho; occupation, miner.

Sworn Statement No. 1047, dated and filed Sept. 14th, 1903 for entry of Northeast Quarter of Section 29, Tp. 6 North of Range 4 East, Boise Meridian.

Plaintiff's Exhibit No. 131B.

Non-mineral Affidavit.

Plaintiff's Exhibit No. 131C.

Notice for Publication; witnesses for final proof, Wilbert R. Reeves, George B. Avery, Charles W. Clawson, and Andrew Campbell.

Plaintiff's Exhibit No. 131D.

Testimony of Joseph Penrod, at final proof, dated December 17, 1903.

Plaintiff's Exhibit No. 131E.

ANSWERS given by Joseph Penrod, at Final Proof.

- | | | |
|-----------|--|---------|
| Answer to | Ques. | 1: Yes. |
| “ “ “ | 2: Married. | |
| “ “ “ | 3: In Colorado; Laborer. | |
| “ “ “ | 4: Since 1880. In Boise County. | |
| “ “ “ | 5: Mining for myself. I have been developing some claims which have not yet paid anything. | |
| “ “ “ | 6: From H. L. Fisher. | |
| “ “ “ | 7: Paid Downs \$25 for locating the land. | |

- “ “ “ 8: Sept. 12, 1903, I was over this land with Messrs. Avery, Reeves, Clawson, Campbell and Downs.
- “ “ “ 9: Mr. Downs pointed out the corners to me. Land is 6 or 7 miles southeast of Star Ranch.
- “ “ “ 10: 1,400,000 to 1,600,000 feet value about \$1000.
- “ “ “ 11: No, I obtained my information from Pat Downs.
- “ “ “ 12: Expect to use it for my own benefit.
- “ “ “ 13: No.
- “ “ “ 14: No.
- “ “ “ 15: Boise.
- “ “ “ 16: Yes. I do.
- “ “ “ 17: From my earnings; for over five years.
- “ “ “ 18: Boise County Bank, Idaho City.

Plaintiff's Exhibit No. 131F.

Testimony of witness, Andrew Campbell, on final proof.

Plaintiff's Exhibit No. 131G.

Cross-examination of witness, Andrew Campbell, on final proof.

Plaintiff's Exhibit No. 131H.

Testimony of Wilbur R. Reeves, at final proof.

Plaintiff's Exhibit No. 131I.

Cross-examination of Wilbur R. Reeves, at final proof.

Plaintiff's Exhibit No. 131J.

Affidavit of Publication.

Plaintiff's Exhibit No. 131K.

Receiver's Receipt No. 2785, dated Dec. 17, 1903.

Plaintiff's Exhibit No. 131L.

Final Certificate No. 2785, Dec. 17, 1903.

Plaintiff's Exhibit No. 131M.

Deed from Joseph Penrod and wife to George S. Long, dated March 28th, 1904; consideration, \$1,000.00; acknowledged before H. L. Fisher, Notary Public, and filed for record, April 29, 1904, at the request of W. E. Borah. Conveys land described in Exhibit No. 131A.

Plaintiff's Exhibit No. 131N.

Patent dated Dec. 1st, 1904, to Joseph Penrod, for land described in Exhibit No. 131A.

Plaintiff's Exhibits Nos. 132A to 132O.**Plaintiff's Exhibit No. 132A.**

WILBERT R. REEVES: Residence, Idaho City, Idaho; occupation, rancher and farmer.

Sworn Statement No. 1054, dated Sept. 14th, 1903, for entry of Northwest Quarter of Section 29, Tp. 6 North of Range 4 East, Boise Meridian.

Plaintiff's Exhibit No. 132B.

Notice for Publication; witnesses for final proof, Joseph Penrod, George R. Avery, Charles W. Clawson, Andrew Campbell.

Plaintiff's Exhibit No. 132C.

Affidavit of Publication.

Plaintiff's Exhibit No. 132D.

Non-mineral Affidavit.

Plaintiff's Exhibit No. 132E.

Testimony of Wilbert R. Reeves, on final proof, dated December 17, 1903.

Plaintiff's Exhibit No. 132F.

Cross-examination of witness, Andrew Campbell, on final proof.

Plaintiff's Exhibit No. 132G.

Testimony of witness, Andrew Campbell, on final proof.

Plaintiff's Exhibit No. 132H.

Cross-examination of witness, Joseph Penrod, on final proof.

Plaintiff's Exhibit No. 132I.

Testimony of witness, Joseph Penrod, on final proof.

Plaintiff's Exhibit No. 132J.

Missing.

Plaintiff's Exhibit No. 132K.

ANSWERS by Wilbert R. Reeves, to Question 16, 17 and 18, on Cross-examination, at Final Proof.

Answer to Ques. 16: Yes.

Answer to Ques. 17: From the sale of real estate last spring. Have had money since April, 1903.

Answer to Ques. 18: Yes, in Boise City National Bank, for the last few months I don't know whether it has been six or not.

Plaintiff's Exhibit No. 132L.

Receiver's Receipt No. 2786, Dec. 17th, 1903.

Plaintiff's Exhibit No. 132M.

Final Certificate No. 2786, dated Dec. 17th, 1903.

Plaintiff's Exhibit No. 132N.

Deed from Wilbert R. Reeves and wife to George S. Long, dated Feb. 29th, 1904; consideration, \$900.00; acknowledged before John M. Haines, Notary Public, and filed for record at the request of W. E. Borah, July 1st, 1904. Conveys land described in Exhibit No. 132A.

Plaintiff's Exhibit No. 132O.

Patent to Wilbert R. Reeves, dated Dec. 1st, 1904, for land described in Exhibit No. 132A.

Plaintiff's Exhibit Nos. 133A to 133O.**Plaintiff's Exhibit No. 133A.**

CLEORA M. SNOW: Residence, Boise, Idaho; occupation, housekeeper.

Sworn Statement No. 1059, dated and filed Sept. 14th, 1903, for entry of Northeast Quarter of Section 15, Tp. 6 North of Range 4 East, Boise Meridian.

Plaintiff's Exhibit No. 133B.

Non-mineral Affidavit.

Plaintiff's Exhibit No. 133C.

Testimony of Cleora M. Snow, at final proof, dated December 24th, 1903.

Plaintiff's Exhibit No. 133D.

ANSWERS Given by Cleora M. Snow to questions 16, 17 and 18 on Cross-examination at Final Proof.

Answer to Ques. 16: Yes.

Answer to Ques. 17: From a life insurance policy paid at the time of my husband's death; have had money at least a year and a half.

Answer to Ques. 18: No.

Plaintiff's Exhibit No. 133E.

Receiver's Receipt, No. 2801, dated Nov. 24th, 1903.

Plaintiff's Exhibit No. 133F.

Final Certificate No. 2801, dated Nov. 24th, 1903.

Plaintiff's Exhibit No. 133G.

Affidavit of Cleora M. Snow in re Postponement of date of making final proof.

Plaintiff's Exhibit No. 133H.

Testimony of witness, John K. Woodburn on final proof.

Plaintiff's Exhibit No. 133I.

Cross-examination of witness, Joseph Ehrmanntraut, on final proof.

Plaintiff's Exhibit No. 133J.

Testimony of witness, Joseph Ehrmanntraut, on final proof.

Plaintiff's Exhibit No. 133K.

Cross-examination of witness, John K. Woodburn, on final proof.

Plaintiff's Exhibit No. 133L.

Notice for Publication; witness for final proof, Joseph Ehrmanntraut, Jr., Margaret M. Ehrmanntraut, Frank R. Martin and John K. Woodburn.

Plaintiff's Exhibit No. 133M.

Affidavit of Publication.

Plaintiff's Exhibit No. 133N.

Patent to Cleora M. Snow, dated Dec. 29th, 1904, for land described in Exhibit No. 133A.

Plaintiff's Exhibit No. 133O.

Deed from John F. Snow and Cleora M. Snow to George S. Long, dated Jan. 15th, 1904; consideration, \$800.00; acknowledged before Walter S. Walker, Notary Public, and filed for record, July 1st, 1904, at the request of W. E. Borah. Conveying land described in Exhibit No. 133A.

Plaintiff's Exhibits Nos. 134A to 134N.**Plaintiff's Exhibit No. 134A.**

FRANK R. MARTIN: Residence, Boise, Idaho; occupation, miner.

Sworn Statement No. 1050, dated and filed Sept. 14, 1903, for entry of Northeast Quarter of Section 21, Tp. 6 North of Range 4 East, Boise Meridian.

Plaintiff's Exhibit No. 134B.

Notice for Publication; witnesses for final proof, Joseph Ehrmanntraut, Jr., and Margaret Ehrmanntraut, Charles B. Faraday and Rice J. Harbaugh.

Plaintiff's Exhibit No. 134C.

Non-mineral Affidavit.

Plaintiff's Exhibit No. 134D.

Testimony of witness, Charles B. Faraday, on final proof.

Plaintiff's Exhibit No. 134E.

Cross-examination of witness, Charles B. Faraday,
on final proof.

Plaintiff's Exhibit No. 134F.

Testimony of witness, Joseph Ehrmanntraut, Jr.,
on final proof.

Plaintiff's Exhibit No. 134G.

Cross-examination of witness, Joseph Ehrmann-
traut, Jr., on final proof.

Plaintiff's Exhibit No. 134H.

Testimony of Frank R. Martin on final proof,
dated December 15, 1903.

Plaintiff's Exhibit No. 134I.

ANSWERS of Frank R. Martin to Questions 16,
17 and 18, on Cross-examination, at Final Proof.

Answer to Ques. 16: Yes.

Answer to Ques. 17: I have been saving it from
my earnings for past 6 or 7 years; 3 or 4 months.

Answer to Ques. 18: No, I have kept money with
me.

Plaintiff's Exhibit No. 134J.

Receiver's Receipt No. 2777, dated Dec. 15, 1903.

Plaintiff's Exhibit No. 134K.

Final Certificate No. 2777, dated Dec. 15, 1903.

Plaintiff's Exhibit No. 134L.

Affidavit of Publication.

Plaintiff's Exhibit No. 134M.

Deed from Frank R. Martin, to George S. Long,
dated Dec. 23d, 1903; consideration, \$800.00;

acknowledged before John M. Haines, and filed for record at the request of W. E. Borah, July 1st, 1904. Conveys land described in Exhibit No. 134A.

Plaintiff's Exhibit No. 134N.

Patent to Frank R. Martin, dated Dec. 1st, 1904, for land described in Exhibit No. 134A.

Plaintiff's Exhibits Nos. 135A to 135N.

Plaintiff's Exhibit No. 135A.

THOMAS L. MARTIN: Residence, Boise, Idaho; occupation, life insurance agent.

Sworn Statement No. 1039, dated and filed Sept. 14th, 1903, for entry of Southwest Quarter of Section 23, Tp. 6 North of Range 4 East, Boise Meridian.

Plaintiff's Exhibit No. 135B.

Non-mineral Affidavit.

Plaintiff's Exhibit No. 135C.

Testimony of Thomas L. Martin, at final proof, dated December 11, 1903.

Plaintiff's Exhibit No. 135D.

ANSWERS by Thomas L. Martin, to Questions 16, 17 and 18, on Cross-examination, at Final Proof.

Answer to Ques. 16: Yes.

Answer to Ques. 17: From the assignment of first mortgages held by myself and from the collection of notes.

Answer to Ques. 18: At Capital State Bank, Boise, Idaho.

Plaintiff's Exhibit No. 135E.

Testimony of witness, Joseph Penrod, on final proof.

Plaintiff's Exhibit No. 135F.

Cross-examination of witness, Joseph Penrod, on final proof.

Plaintiff's Exhibit No. 135G.

Testimony of witness, Anna Fisher, on final proof.

Plaintiff's Exhibit No. 135H.

Cross-examination of witness, Anna Fisher, on final proof.

Plaintiff's Exhibit No. 135I.

Affidavit of Publication.

Plaintiff's Exhibit No. 135J.

Receiver's Receipt No. 2769, Dec. 11, 1903.

Plaintiff's Exhibit No. 135K.

Final Certificate No. 2769, dated Dec. 11, 1903.

Plaintiff's Exhibit No. 135L.

Notice for Publication; witnesses for final proof, Anna Fisher, Joseph Penrod, George G. Eagleson, and Mary J. Eagleson.

Plaintiff's Exhibit No. 135M.

Deed from Thomas L. Martin and wife to George S. Long, dated Jan. 2, 1904; consideration, \$800.00; acknowledged before Frank Martin, Notary Public, and filed at the request of W. E. Borah, July 1st, 1904, for record, for land described in Exhibit No. 135A.

Plaintiff's Exhibit No. 135N.

Patent dated Dec. 1st, 1904, to Thomas L. Martin for land described in Exhibit No. 135A.

Plaintiff's Exhibits Nos. 136A to 136P.**Plaintiff's Exhibit No. 136A.**

HARRY L. CLYNE: Residence, Boise, Idaho; occupation, painter and paper-hanger.

Sworn Statement No. 259, dated and filed Oct. 31st, 1901, for entry Southeast Quarter of Section 6, Tp. 7, North of Range 5 East, Boise Meridian.

Plaintiff's Exhibit No. 136B.

Testimony of Harry L. Clyne, on final proof, dated January 24, 1902.

Plaintiff's Exhibit No. 136C.

ANSWERS Given by Harry L. Clyne to Questions 16, 17 and 18 on Cross-examination, at Final Proof.

Answer to Ques. 16: I did. I do.

Answer to Ques. 17: Have had a portion of on hand for several months.

Answer to Ques. 18: No, I have not.

Plaintiff's Exhibit No. 136D.

Receiver's Receipt No. 2025, Aug. 19, 1902.

Plaintiff's Exhibit No. 136E.

Final Certificate No. 2025, Aug. 19, 1902.

Plaintiff's Exhibit No. 136F.

Missing.

Plaintiff's Exhibit No. 136G.

Affidavit of publication.

Plaintiff's Exhibit No. 136H.

Notice for Publication; witnesses for Final Proof, Norman Young, Lucian Maxfield, Christ Seckel, William Gross.

Plaintiff's Exhibit No. 136I.

Non-mineral Affidavit.

Plaintiff's Exhibit No. 136J.

Cross-examination of witness, Wm. Gross, on final proof.

Plaintiff's Exhibit No. 136K.

Testimony of witness, Wm. Gross, on final proof.

Plaintiff's Exhibit No. 136L.

Cross-examination of witness, Norman H. Young, on final proof.

Plaintiff's Exhibit No. 136M.

Testimony of witness, Norman H. Young, on final proof.

Plaintiff's Exhibit No. 136N.

Deed from Harry L. Clyne and wife to A. E. Palmer, dated July 18, 1903; consideration, \$950.00; acknowledged before L. M. Pritchard, Notary Public, and filed for record at the request of W. E. Borah, Feb. 29, 1904. Conveys land described in Exhibit No. 136A.

Plaintiff's Exhibit No. 136O.

Certified Copy of Record of Patent, dated Feb. 1st, 1904, land described in Exhibit No. 136A.

Plaintiff's Exhibit No. 136P.

Patent dated Feb. 1st, 1904, to Harry L. Clyne, for land described in Exhibit No. 136A.

Plaintiff's Exhibits Nos. 137A to 137P.

Plaintiff's Exhibit No. 137A.

MARGARET SCULLY: Boise, Idaho. Occupation, housewife.

Sworn Statement No. 1035, filed and dated Sept. 14th, 1903, for entry of Northwest Quarter of Section 20, Tp. 6 North of Range 4 East, Boise Meridian.

Plaintiff's Exhibit No. 137B.

Notice for Publication; witnesses for final proof, Josie M. Ross, Willis A. Ross, Wm. B. Davidson, and P. H. Downs.

Plaintiff's Exhibit No. 137C.

Affidavit of Publication.

Plaintiff's Exhibit No. 137D.

Non-saline Affidavit.

Plaintiff's Exhibit No. 137E.

Non-mineral Affidavit.

Plaintiff's Exhibit No. 137F.

Testimony of Margaret Scully, at final proof, dated December 10, 1903.

Plaintiff's Exhibit No. 137G.

ANSWERS to questions 16, 17 and 18 given by Margaret Scully, at Final Proof, on Cross-examination.

Answer to Ques. 16: Yes.

Answer to Ques. 17: From the sale of my home in Moscow, and have had the money at least a year.

Answer to Ques. 18: No.

Plaintiff's Exhibit No. 137H.

Cross-examination of witness, Josie M. Ross, at final proof.

Plaintiff's Exhibit No. 137I.

Testimony of witness, Josie M. Ross, at final proof.